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**NEW YORK STATE**

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**REGISTER**

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***INSIDE THIS ISSUE:***

- Inland Trout Stream Fishing Regulations
- Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure
- Setoff Against Unemployment Insurance Benefits for the Recovery of Nonwillful Overpayments

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State agencies must specify in each notice which proposes a rule the last date on which they will accept public comment. Agencies must always accept public comment: for a minimum of 60 days following publication in the *Register* of a Notice of Proposed Rule Making, or a Notice of Emergency Adoption and Proposed Rule Making; and for 45 days after publication of a Notice of Revised Rule Making, or a Notice of Emergency Adoption and Revised Rule Making in the *Register*. When a public hearing is required by statute, the hearing cannot be held until 60 days after publication of the notice, and comments must be accepted for at least 5 days after the last required hearing. When the public comment period ends on a Saturday, Sunday or legal holiday, agencies must accept comment through the close of business on the next succeeding workday.

***For notices published in this issue:***

- the 60-day period expires on May 23, 2021
- the 45-day period expires on May 8, 2021
- the 30-day period expires on April 23, 2021

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*The New York State Register* (ISSN 0197 2472) is published weekly. Subscriptions are \$80 per year for first class mailing and \$40 per year for periodical mailing. The *New York State Register* is published by the New York State Department of State, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001. Periodical postage is paid at Albany, New York and at additional mailing offices.

POSTMASTER: Send address changes to NY STATE REGISTER, the Department of State, Division of Administrative Rules, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001

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# NEW YORK STATE REGISTER

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## Be a part of the rule making process!

The public is encouraged to comment on any of the proposed rules appearing in this issue. Comments must be made in writing and must be submitted to the agency that is proposing the rule. Address your comments to the agency representative whose name and address are printed in the notice of rule making. No special form is required; a handwritten letter will do. Individuals who access the online *Register* ([www.dos.ny.gov](http://www.dos.ny.gov)) may send public comment via electronic mail to those recipients who provide an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings.

To be considered, comments should reach the agency before expiration of the public comment period. The law provides for a minimum 60-day public comment period after publication in the *Register* of every Notice of Proposed Rule Making, and a 45-day public comment period for every Notice of Revised Rule Making. If a public hearing is required by statute, public comments are accepted for at least five days after the last such hearing. Agencies are also required to specify in each notice the last date on which they will accept public comment.

When a time frame calculation ends on a Saturday or Sunday, the agency accepts public comment through the following Monday; when calculation ends on a holiday, public comment will be accepted through the following workday. Agencies cannot take action to adopt until the day after expiration of the public comment period.

The Administrative Regulations Review Commission (ARRC) reviews newly proposed regulations to examine issues of compliance with legislative intent, impact on the economy, and impact on affected parties. In addition to sending comments or recommendations to the agency, please do not hesitate to transmit your views to ARRC:

Administrative Regulations Review Commission  
State Capitol  
Albany, NY 12247  
Telephone: (518) 455-5091 or 455-2731

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KEY: (P) Proposal; (RP) Revised Proposal; (E) Emergency; (EP) Emergency and Proposal; (A) Adoption; (AA) Amended Adoption; (W) Withdrawal

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Individuals may send public comment via electronic mail to those recipients who provided an e-mail address in Notices of Proposed Rule Making. This includes Proposed, Emergency Proposed, Revised Proposed and Emergency Revised Proposed rule makings. Choose pertinent issue of the *Register* and follow the procedures on the website ([www.dos.ny.gov](http://www.dos.ny.gov))

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Each rule making is identified by an I.D. No., which consists of 13 characters. For example, the I.D. No. AAM-01-96-00001-E indicates the following:

AAM -the abbreviation to identify the adopting agency  
01 -the *State Register* issue number  
96 -the year  
00001 -the Department of State number, assigned upon receipt of notice.  
E -Emergency Rule Making—permanent action not intended (This character could also be: A for Adoption; P for Proposed Rule Making; RP for Revised Rule Making; EP for a combined Emergency and Proposed Rule Making; EA for an Emergency Rule Making that is permanent and does not expire 90 days after filing.)

Italics contained in text denote new material. Brackets indicate material to be deleted.

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## Office of Children and Family Services

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### NOTICE OF ADOPTION

#### Amendment to Community Guardian Program Regarding Who Can Complete the Annual Evaluation or Examination

**I.D. No.** CFS-46-20-00001-A

**Filing No.** 206

**Filing Date:** 2021-03-05

**Effective Date:** 2021-03-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 457.12(d)(6), (7) and (9) of Title 18 NYCRR.

**Statutory authority:** Social Services Law, sections 20 and 34

**Subject:** Amendment to community guardian program regarding who can complete the annual evaluation or examination.

**Purpose:** Amendment to community guardian program regarding who can complete the annual evaluation or examination.

**Text or summary was published** in the November 18, 2020 issue of the Register, I.D. No. CFS-46-20-00001-P.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Frank J. Nuara, Associate Attorney, New York State Office of Children and Family Services, 52 Washington Street, Rensselaer, New York 12144, (518) 474-9778, email: regcomments@ocfs.ny.gov

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2023, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

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## Board of Commissioner of Pilots

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Updating the Current Website Address; Changing Terminology Regarding Credentials; Changing Age Range for Acceptance

**I.D. No.** COP-12-21-00001-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** This is a consensus rulemaking to amend section 51.1 of Title 21 NYCRR.

**Statutory authority:** Navigation Law, art. 6, section 95(1)

**Subject:** Updating the current website address; changing terminology regarding credentials; changing age range for acceptance.

**Purpose:** To provide current information and allow for a more practical admission procedure reflecting modern reality.

**Text of proposed rule:** 21 CRR-NY 51.1

Section 51.1(b)(2) is amended to read as follows:

(2) The availability of openings for applicant apprentices shall be posted on the board's website at [www.bdcommpilotsny.org] [www.nypilotcommission.org](http://www.nypilotcommission.org) and advertised in an appropriate trade journal. These advertisements shall specify a deadline for submitting the applications. Qualified applicants shall be considered without discrimination because of race, color, religion, national origin, sex or marital status.

Section 51.1(c)(1)(i) is amended to read as follows:

(i) is at least [18] 21 years of age and is not more than [27] 30 years of age no later than April 15 of the year the application is filed;

Section 51.1(c)(6)(3)(i) is amended to read as follows:

(i) a [Merchant Mariner's Document] *Merchant Mariner Credential* with Able-Bodied Seaman and Lifeboatman's endorsements;

**Text of proposed rule and any required statements and analyses may be obtained from:** Andrew J. Garger, NYS Board of Commissioners of Pilots, 17 Battery Place, Suite 1230, New York, NY 10004, (212) 425-5027, email: ajgarger@nypilotcommission.org

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

#### Consensus Rule Making Determination

The New York State Board of Commissioners of Pilots (the "Board"), pursuant to its authority under New York State Navigation Law and regulations stated in 21 CRR-NY 51.1, hereby submit the following information subject to a Consensus rulemaking procedure. Consensus rule making is appropriate where the changes made are not likely to be subject to public opposition. The changes sought by the Board are non-controversial and administrative in nature. Additionally, after discussion with relevant local stakeholders the Board can represent that no party has indicated any intention to object to any proposed changes being made by the Board.

Specifically, the changes sought include updating the Board's website address, changing one word relating to a licensing term and updating the age eligibility requirements from ineffectual standards to standards reflect-

ing the current application pool. The final change updates the age range for employment from 18-27 years of age to 21-30 years of age. This change allows for an enlarged pool of applicants giving the Board access to higher quality candidates that otherwise are not eligible under the current age requirement. The practical application of the changes impacts an extremely narrow cross section of the public—perhaps less than 100 people in the entire State of New York on an annual basis. The Board does not expect any opposition to the modifications sought in this consensus rule.

#### **Job Impact Statement**

1. Nature of impact: The rule will create employment opportunities for young men and women seeking jobs in the marine transportation industry.

When the apprentice selection regulations were last revised, one of the changes made to the regulations at that time was adding the requirement that the applicant hold a bachelor's degree. The 18-27 age range requirement was not changed, although the minimum application age of 18 was rendered ineffectual by the college degree requirement. The Board plans to reconcile these two provisions by raising the minimum application age to 21, while maintaining a 9-year range of eligibility.

The current upper age limit of 27 results in otherwise highly rated candidates to "age out" of eligibility. Since applications can only be filed every two years, most applicants only have an opportunity to apply three or possibly four times before aging out. Yet candidates that reapply generally demonstrate additional professional experience that enhances their application. An opportunity to apply until the age of 30 would allow qualified candidates to gain even more experience relevant to their application and their ability to perform as an apprentice. These qualifications include upgrading their Merchant Mariner Credential with additional sea time, obtaining pilotage in New York Harbor or elsewhere, or obtaining other relevant maritime experience.

The current age limit also makes it less likely that anyone who serves in the military after graduation would have sufficient time after leaving the military before they turn 27 to gain the necessary maritime experience to be a highly rated apprentice candidate.

2. Categories and numbers affected: The rule will create and sustain jobs in the marine transportation industry. Changes to existing regulations will not alter employment numbers in any meaningful way, i.e., by more than one to three people per year.

3. Regions of adverse impact: The rule would have no disproportionate adverse impact on jobs or employment opportunities in any region of the state.

4. Minimizing adverse impact: The rule publicizes the availability of openings for applicant apprentices on the Board of Commissioners of Pilots website.

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## Department of Environmental Conservation

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### NOTICE OF ADOPTION

#### **Inland Trout Stream Fishing Regulations**

**I.D. No.** ENV-47-20-00004-A

**Filing No.** 203

**Filing Date:** 2021-03-04

**Effective Date:** 2021-04-01

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of sections 10.1, 10.2 and 10.3 of Title 6 NYCRR.

**Statutory authority:** Environmental Conservation Law, sections 3-0301, 11-0303, 11-0305, 11-0317, 11-1301, 11-1303, 11-1316 and 11-1319

**Subject:** Inland Trout Stream Fishing Regulations.

**Purpose:** To revise and standardize inland trout stream fishing regulations.

**Substance of final rule:** The purpose of this rule making is to amend Sections 10.2 and 10.3 to align inland trout stream regulations in accordance with the newly developed New York Trout Stream Management Plan (Plan). The Plan establishes a categorical approach to trout stream management that reduces the number of special regulations to four regulatory strategies that are easily understandable.

The management categories are:

- Wild

- Wild Quality
- Wild Premier
- Stocked
- Stocked Extended

Applicable regulations for each stream reach will be selected from the standardized suite of four regulatory strategies, including a statewide regulation for those stream reaches on private lands. The existing complicated regulatory structure for trout streams will be eliminated and replaced in accordance with the Plan as follows:

- eliminate the current statewide creel limit of 5 trout, any size for inland trout streams;
- eliminate unnecessary special regulations on trout stream reaches throughout the state and replace them with one of the regulations identified below according to the management criteria identified in the plan;
  - establish a default 5 trout with no more than 2 over 12" creel limit for inland trout streams statewide and for stream reaches categorized as Wild or Stocked;
  - establish a 1 trout per day, any size creel limit on stream reaches categorized as Wild Premier;
  - establish a 3 trout with no more than 1 over 12" creel limit on stream reaches categorized as Wild-Quality or Stocked-Extended;
  - establish a statewide catch and release season for trout in inland trout stream, limited to artificial lures only, from October 16 through March 31;
- Amend Boundary Water Fishing Regulations so that the Delaware River upstream of Lordville and the West Branch of the Delaware River bordering Pennsylvania are regulated as Wild Premier.
- Amend Boundary Water Fishing Regulations so that the Delaware River downstream of Lordville has a one trout any size creel limit. The new statewide catch and release season will apply.
- Repeal the existing catch and release regulation on Wiscoy Creek and regulate that reach as Wild Premier.
- Extend the existing trout catch and release season to all year for any catch and release reaches that have seasonal closures.
- The following streams will contain reaches regulated as Wild Premier:
  - DEC Region 4: Delaware River, East Branch Delaware River, West Branch Delaware River.
  - DEC Region 7: Old Chenago Canal, Oriskany Creek, West Branch Delaware River.
  - DEC Region 9: Clear Creek (Cattaraugus and Wyoming Counties), Clear Creek (Cattaraugus and Chautauqua Counties), Elm Creek, Lime Lake Outlet, Wiscoy Creek.
- The following streams will contain reaches regulated as Wild Quality:
  - DEC Region 3: Amawalk Outlet (Muscoot River), Beer Kill West Branch, Callicoon Creek North Branch, Cedar Pond Brook, Esopus Creek, Mongaup Creek, Rochester Creek, Rondout Creek, Wappingers Creek, West Branch Croton River.
  - DEC Region 4: Batavia Kill (Delaware County), Bushkill, Bushnellsville Creek, East Brook, East Creek (aka Kinderhook Creek), Emory Brook, Little Hoosic River, Panther Creek, Russel Brook.
  - DEC Region 5: Battenkill, True Brook.
  - DEC Region 6: Crystal Creek.
  - DEC Region 8: Cohocton River, Mill Creek (Steuben County), Neil Creek, Oatka Creek, Spring Creek.
  - DEC Region 9: Elm Creek, Elton Creek, Fenton Brook (aka Mud Creek), Flynn (Spring) Brook, Hosmer (Sardinia) Brook, Mansfield Creek, McKinstry Creek, North Branch Wiscoy Creek, The Ram, Trout Brook.
- The following streams will contain reaches regulated as Stocked Extended:
  - DEC Region 3: Beaver Kill, Callicoon Creek North Branch, East Branch Croton River, Neversink River, Ramapo River, Wappingers Creek, Willowemoc Creek.
  - DEC Region 4: Beaver Kill, Catskill Creek, Kinderhook Creek, West Branch Delaware River.
  - DEC Region 5: Battenkill, Cayadutta Creek, Chateaugay River, Hudson River, Kayaderosseras Creek, Mettawee River, North Branch Great Chazy River, Saranac River, Salmon River (Franklin County), Schroon River, West Branch Ausable River.
  - DEC Region 6: Mohawk River, West Canada Creek.
  - DEC Region 7: Butternut Creek, Chittenango Creek, Limestone Creek, Ninemile Creek, Onondaga Creek, Otselic River, West Branch Limestone Creek.
  - DEC Region 8: Cayuta Creek, Cohocton River.
  - DEC Region 9: Cattaraugus Creek, East Koy Creek, Genesee River, Goose Creek.

**Final rule as compared with last published rule:** Nonsubstantial changes were made in sections 10.1(b), 10.2(i), 10.3(b) and (e)(6).

**Text of rule and any required statements and analyses may be obtained from:** Gregory Kozlowski, NYS Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-4753, (518) 402-8896, email: gregory.kozlowski@dec.ny.gov

**Additional matter required by statute:** Pursuant to Article 8 of the Environmental Conservation Law and the State Environmental Quality Review Act, a programmatic Generic Environmental Impact Statement pertaining to these actions is on file with the Department.

**Revised Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

The original Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement, as published in the Notice of Proposed Rule Making, remain valid and do not need to be amended.

**Initial Review of Rule**

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

**Assessment of Public Comment**

DEC received a total of 211 public comments through e-mail or letters. Comments were grouped thematically (18 total themes) for response.

Theme #1: The statewide catch and release (artificial lures only) season proposed to run from October 16 through March 31 poses a risk to the sustainability of wild trout populations and the quality of the fisheries they support that is either wholly unacceptable or of great concern. Wild trout populations near the New York City metropolitan area, notably in Catskills and the Delaware watershed, are particularly vulnerable. The principle biological concern entails disturbance of spawning trout and losses of incubating eggs due to the disturbance of redds (trout nests) by wading anglers.

Additional concerns were expressed about possible increases in trespassing, conflict between anglers and hunters, poaching, and unethical angling behaviors.

Response: Objections to the proposed regulation reprised the scope of concerns previously expressed in written comments about this component of the Trout Stream Management Plan. The arguments were initially considered during plan development and further assessed based on the public comments submitted on the draft Plan in 2020. The detailed biological risk assessment is on page 34 of the final Plan.

Negative impacts to reproductive success are not evident in resident or migratory populations of trout and salmon in New York that have long been managed under an open season by special regulation. This is consistent with research findings and management experience from other states including Pennsylvania and Idaho. Cold temperatures are inherently protective in terms of the resiliency of trout to handling and limiting angler participation. Furthermore, natural reproduction has increased over time in Great Lakes tributaries despite intense fishing pressure concurrent with spawning and egg incubation.

Summertime thermal stresses on trout combined with high angling pressure have a higher potential to impact wild trout populations and individual trout that are sexually mature. An analogously conservative response to unethical summertime anglers would be a statewide season closure in July and August.

Concerning conflict between angler and hunters during the proposed catch and release season, the potential for anglers to be afield does not burden hunters beyond the safety precautions that are already obligatory given the potential presence of other hunters, hikers, birdwatchers, etc. DEC does not prohibit all non-hunting activities during open hunting seasons. Angling should not be uniquely prohibited.

In response to the public concern and opposition expressed, DEC will work with stakeholders to develop and implement a study to evaluate angling pressure during the catch and release season and to determine if it produces negative population level impacts. Comments received were helpful in identifying areas of particular concern. While DEC believes that this regulation can be implemented without compromising the quality of New York's wild trout populations, management will be informed by the evidence gathered and modifications will be considered if warranted.

Theme #2: Terminal tackle choices should be further restricted (prohibit lures with multiple hook points, prohibit barbed hooks, ban live bait) to minimize handling stress and wounds on released trout. Many comments specifically advocated the prohibition of lures with multiple hook points on the Delaware Tailwaters and tributaries. Others advocated the statewide application of tackle restrictions to all stream reaches managed for wild trout.

Response: At the population level, the published research on the benefits of tackle restrictions is ambiguous at best. Outcomes are influenced by angling technique and water temperature. Severe tackle restrictions risk discouraging many anglers and suggesting DEC bias towards the preferences of a subset of trout anglers. Because common lures including spoons and in-line spinners are typically sold with double or treble hooks, the requirement to replace those hooks in order to fish certain reaches is likely to alienate anglers who do not wish to always fish single hooks. DEC views outreach and education as the best approach to influence tackle selection

and ethical angling practices for catch and release fishing while respecting the diversity of techniques favored by trout anglers.

Theme #3: A temporary post-stocking harvest prohibition should be imposed on reaches managed with stocked trout to prevent the rapid harvest of stocked trout.

Response: This issue is addressed on page 17 of the Plan. Substantial losses of stocked trout from stocked reaches by natural predation and outmigration are typical in New York State and elsewhere. Therefore, a harvest prohibition rarely prolongs the survival of stocked trout and puts natural predators ahead of licensed anglers. Very short-term harvest prohibitions associated with specific stocking events minimize this cost but are impractical to implement statewide. Plan strategies aimed at this problem include more frequent stockings within Stocked-Extended reaches and breeding trout with more natural post-stocking dispersal behavior.

Theme #4: Where harvest and/or use of bait is currently allowed under special regulations, the proposed imposition of the catch and release, artificial lures only from October 16- March 31 regulation is an unwarranted loss of a valued fishing experience.

Response: DEC acknowledges that the proposed regulations are stricter than the current regulations on some trout stream reaches. However, DEC believes that the opportunities lost are outweighed by the statewide extent of new fishing opportunities available from October 16 – March 31. The proposed regulations provide ample opportunity for harvest and bait use on trout streams during the April 1- October 15 season.

Theme #5: The Delaware River mainstem reach from Lordville downstream to Callicoon should be categorized as Wild-Premier.

Response: While this reach supports a highly productive seasonal trout fishery, its ecological characteristics do not meet Wild-Premier criteria on a year-round basis. It is a transitional zone shared between trout and coolwater fish species. However, DEC will apply the same angling regulations as proposed for the Wild-Premier category to this reach to protect wild trout.

Theme #6: The daily trout possession limits proposed under this plan are too liberal to sustain wild trout populations especially for tributaries to popular trout waters including the Batten Kill, Esopus Creek, and the Delaware Tailwaters. More restrictive harvest regulations are needed to protect the ecological potential of the system. Catch and release regulations should be more widely imposed.

Response: Creel surveys demonstrate that the harvest of a full possession limit is relatively uncommon. They have also shown that, while many anglers value the option to harvest trout, catch and release is increasingly practiced on a voluntary basis. These factors limit the potential for mandatory catch and release or strict possession limits to increase trout abundance especially on lightly fished waters. Meanwhile, the influence of habitat constraints and natural predators on trout abundance tends to be underappreciated. Research discussed on page 10 of the Plan illustrates the practical limitations of severe harvest restrictions.

The statewide daily possession limit of 5 trout with no more than 2 longer than 12 inches proposed in this plan is more restrictive than the existing statewide regulation of 5 trout any size. The still more conservative harvest restrictions proposed for Wild-Quality and Wild-Premier management categories recognize the more intensive fishing pressure on these better-known waters and are meant to restrain excessive harvest by harvest-oriented individuals when the combination of circumstance and skill create such an opportunity.

Theme #7: The existing special regulations on a given stream reach are preferable to the regulations proposed. (Comments advocating continuation of closed fishing season are assessed under theme #1).

Response: The existing suite of special regulations was needlessly complex, and many regulations were not rigorously evaluated. They created an unrealistic perception of the ability to fine tune trout fisheries through regulations. The proposed suite of regulations provides a comprehensive approach that balances flexibility and simplicity. During implementation, DEC will strive to learn and adjust to unanticipated problems.

Theme #8: Amawalk Outlet and Cedar Pond Brook in DEC Region 3 contain thriving wild trout populations. The regulations proposed for the reaches categorized as Stocked are inadequate. These reaches may qualify as Wild-Quality.

Response: Both reaches were surveyed in 2020 and, because the results support the comments submitted, they have been recategorized as Wild-Quality.

Theme #9: Elm Creek in DEC Region 9 does not meet the access standard for the Wild-Premier management category.

Response: Elm Creek does not meet the access standard. The Wild-Premier reach has been recategorized as Wild-Quality.

Theme #10: Important Delaware tailwaters spawning areas should be excluded from the proposed statewide catch and release season and regulations adopted to discourage fishing when water temperatures exceed 70°F.

Response: DEC will evaluate the impact of the catch and release season and consider modifications to the regulation based on the results. DEC actively discourages trout fishing during stressful summertime water conditions. Outreach strategies include annual e-mail reminders to The Fishing Line subscribers (150,822 subscribers as of January 27, 2021) and a new infographic ([https://www.dec.ny.gov/docs/fish\\_marine\\_pdf/summertroutflyr.pdf](https://www.dec.ny.gov/docs/fish_marine_pdf/summertroutflyr.pdf)).

Theme #11: The possession limit of 3 trout with no more than 1 longer than 12 inches is too restrictive.

Response: The 3/1 limit applies to Wild-Quality and Stocked-Extended stream reaches. During the meetings held in 2017 to hear the angling public's desires for trout stream management, we consistently heard that we should strive to provide more opportunity to catch wild trout and that we should strive to prolong fishing opportunity afforded by stocked trout. This regulation contributes to achieving these objectives especially on streams that receive substantial fishing pressure. The more liberal possession limit of 5 trout with no more than 2 longer than 12 inches applies to the vast majority of trout stream reaches in New York State.

Theme #12: The proposed prohibition of bait during the catch and release trout season on the Delaware River and East Branch will discourage children and families from participating in the fishery.

Response: DEC recognizes the importance of providing a diversity of fishing opportunities including opportunities for newcomers to the sport. In cool weather, live bait can enhance success. However, DEC also recognizes the value of managing under a consistent set of regulations. While the use of bait is not always incompatible with a catch and release regulation, DEC does not believe it should be applied statewide.

Theme #13: DEC should consider a prohibition of commercially operated drift boats on the Delaware tailwaters.

Response: DEC recognizes the importance of providing a diversity of fishing opportunities for trout anglers. A prohibition on commercially operated drift boats would restrict the opportunities available. DEC has no plans to impose such a prohibition.

Theme #14: Specified reaches of Peakskill Hollow Brook, Stonehill River, Hoosic River, Kinderhook Creek, and Camden Creek contain thriving wild trout populations and should be considered for recategorization as Wild-Quality.

Response: DEC currently lacks the data to support these recategorizations. However, DEC will prioritize investigation and re-survey of these waters.

Theme #15: Clear Creek in DEC Region 9 should not be categorized and regulated as Wild-Premier.

Response: Clear Creek meets all the criteria for the Wild-Premier category.

Theme #16: Sandburg Creek in DEC Region 3 should be categorized and regulated as Stocked-Extended.

Response: Sandburg Creek does not meet the minimum public access criteria for the Stocked-Extended category.

Theme #17: East Creek in DEC Region 4 is usually considered the main stem of Kinderhook Creek to the Massachusetts border – the regulation is therefore confusing.

Response: The reach in question is listed as East Creek rather than Kinderhook Creek in New York State records. Because it is widely known as Kinderhook Creek, the regulation has been amended to read "East Creek (aka Kinderhook Creek)."

Theme #18: One fishing regulation should apply to the Carmans River above the C-gate dam within Southaven County Park. The existing September 30 closure of the regular fishing season should be changed to match the October 15 statewide closure.

Response: DEC will change the date to October 15 as suggested. DEC will implement the proposed regulations but will reexamine how the reaches are categorized following the completion of biological surveys scheduled for 2021.

## PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

### Public Use of Wildlife Management Areas, and Areas with Special Regulations

I.D. No. ENV-12-21-00004-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Repeal of Parts 51, 61, 75, 84; addition of new Part 51 to Title 6 NYCRR. This rule is proposed pursuant to SAPA section 207(3), 5-Year Review of Existing Rules.

**Statutory authority:** Environmental Conservation Law, article 1, title 1, section 1-0101; article 3, title 3, section 3-0301, sub-section 1(a), (b), (c),

(d), (e), (h) (f), (p); article 9, title 1, section 9-0105, (1), (2), (3); article 11, title 21, section 11-2101 (a), (b), (c), and (d)

**Subject:** Public use of Wildlife Management Areas, and areas with special regulations.

**Purpose:** To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas.

**Substance of proposed rule (Full text is posted at the following State website:** <http://www.dec.ny.gov/regulations/proproregulations.html>

**#public):** This rule repeals Title 6, Chapter 1, Subchapter G, Part 51 of the NYCRR and replaces it with a new Part 51, to better regulate public use of the Wildlife Management Area (WMA) system in New York State and ensure that public use does not interfere with wildlife reproduction or survival, or conflict with wildlife-dependent recreation. Simultaneously, Part 61, which addresses Public Use of Clay Marsh, Deer Creek Marsh, Howland Island and Three Mile Bay Wildlife Management Areas and State-Owned Islands on Oneida Lake, Part 75, which addresses Hunting and Trapping on Fire Island National Seashore (FINS) Cooperator Area, and Part 84, which applies to public use of the Bog Brook Unique Area, located in Putnam County are repealed because they are obsolete, unnecessary, and may lead to confusion.

The following is a summary of the text of the new Part 51 proposed by the Department of Environmental Conservation (Department).

#### § 51.0 Applicability and Definitions

- Specifies applicability of this regulation (6 NYCRR Part 51) to all persons entering State Lands under the Department's jurisdiction and administered by the Division of Fish and Wildlife (the Division), including all the WMAs and Fish and Wildlife Management Areas as well as Unique and Multiple Use areas administered by the Division. This introduction also defines nine terms used throughout the regulation. All statements below apply to those areas specified in the Applicability and Definitions.

§ 51.1 Hunting, trapping and fishing: Permitted on all lands subject to this Part except when restricted by posted notice.

#### § 51.2 Boating:

- Only non-motorized boats or those with electrically-powered motors are allowed.

- Mooring, storing, or anchoring overnight are prohibited.

- Prohibits transport of aquatic invasive species and specifies measures to prevent transport with the following exemptions:

1. Plants not defined as invasive when used for camouflage from wildlife.

2. Bait when used consistently with all Department regulations.

3. Legally-taken game or fish.

§ 51.3 Camping: Not allowed without written permission of the Department.

#### § 51.4 Roads, trails, and parking areas:

- Motorized vehicles or bicycles not allowed on posted roads.

- No motorized vehicles of any kind allowed off-road except as authorized by the Department.

- The speed limit within WMAs is 25 miles per hour where vehicles are allowed.

- Horses and bicycles are only allowed on roads, parking areas, and designated trails, on other areas posted open, or with written permission of the Department.

- Snowmobiles are only allowed on designated routes that are covered by a minimum of three inches of snow or ice and only following the close of the regular big game hunting season until March 31 of the following year.

#### § 51.5 Reserved.

#### § 51.6 Structures:

- Permanent structures of any kind are not allowed on WMAs except with the written permission of the Regional Manager.

- Structures that are nailed, screwed, or in any way injure a tree are not allowed.

#### § 51.7 Dogs

- Requires owners or trainers to keep dogs on leash and under immediate control except when:

1. dogs are being legally used for hunting.

2. dogs are being legally trained for hunting on lands designated as dog-training areas or during designated training seasons set by Part 66 of 6 NYCRR.

3. participating in a licensed field trial permitted in writing by the Department.

4. as otherwise permitted in writing by the Department.

#### § 51.8 General provisions

- Fires are only allowed for cooking or warmth, cannot be left unattended, and the area must be cleared of all flammable material to prevent the fire from spreading.

- Swimming is not permitted in waters of a WMA.

- No plants or fungi can be destroyed or collected except for immediate personal consumption without written permission of the Department.
  - Use of tree stands that in any way injure trees is prohibited.
  - Possession of motorized equipment in the field is prohibited except under permit from the Department.
  - Removal of rocks, soil, fossils or minerals is prohibited except under permit from the Department.
  - The removal or destruction of any object of archaeological or paleontological interest is prohibited except under permit from the Department and the Commissioner of Education.
  - Possession of a metal detector is prohibited, except under permit from the Department or by licensed surveyors when locating markers.
  - The construction, use, or abandonment of any structure is prohibited except under permit from the Department, with the following exceptions:
    1. A legally placed trap placed and used during trapping season.
    2. A tree stand or hunting blind that does not injure a tree, is marked with the owner's name and address or valid hunting license Identification Number and is placed and used during the big game season, migratory gamebird season or turkey season.
    3. A wildlife viewing blind placed for a maximum of ten days in one location per calendar year, does not injure a tree, and is properly marked with the owner's name and address or valid hunting or fishing license Identification Number.
  - Entry into any area posted or designated as closed is prohibited except under permit from the Department.
  - Leaving trash is prohibited except in provided trash receptacles.
  - Any type of agriculture or animal grazing is prohibited within the WMA system unless authorized by the Department.
  - No person under 21 years shall possess alcoholic beverages, unless accompanied by a parent or guardian. All persons who possess alcoholic beverages must produce identification with proof of age upon demand of any peace or police officer.
  - All persons must comply with instructions on Department signs.
  - Removing, defacing, or destroying Department signs or any other objects is prohibited.
  - The public is prohibited from engaging in any illegal activity and from preventing any employees of the Department from doing their work.
  - Discharging firearms other than for hunting or trapping is prohibited except on areas clearly posted as open to target shooting. On those areas, the public is only allowed to shoot at paper targets which have enough of an earthen or other suitable backstop to stop the projectile fired. Possession or use of any kind of breakable target is prohibited.
  - The possession or use of paint balls or paint ball guns and any activities associated in any way with these implements is prohibited.
  - Organized events involving more than twenty people is prohibited unless authorized by the Department.
  - Any activity associated with research is prohibited unless authorized by the Department in writing except for the observation of birds or other wildlife in a wild state. Such allowed activities include Audubon's Christmas Bird Count, the USGS Breeding Bird Survey and Cornell Lab of Ornithology's e-Bird database.
  - Activities associated in any way with advertising, weddings, funerals, commercial film-making activities or film-making activities that exclude other public use of the area, and other similar activities are prohibited unless permitted by the Department.
  - Selling any articles, merchandise, or services is prohibited without a written permit from the Department. Offering any commercial services, with the exception of licensed outdoor guiding, landscape or wildlife photography, observation, or instruction is also prohibited without a written permit from the Department.
- § 51.9 Severability: If any part of this regulation is found to be contrary to the law by the courts, the rest of this regulation will remain valid and in force.

**Text of proposed rule and any required statements and analyses may be obtained from:** Marcelo J. Del Puerto, Department of Environmental Conservation, 625 Broadway, 5th Floor, Albany, NY 12233, (518) 408-8907, email: marcelo.delpuerto@dec.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

#### **Reasoned Justification for Modification of the Rule**

The DEC's Division of Fish and Wildlife (the Division) administers all Wildlife Management Areas (WMAs) and selected Unique and Multiple Use Areas to benefit and conserve native wildlife and to provide opportunities for wildlife-dependent recreation; namely hunting, wildlife observation, fishing, and trapping. Other activities such as hiking and horse-back riding are allowed provided they do not interfere with the main manage-

ment goals. Public use of WMAs is regulated by Title 6, Chapter 1, Subchapter G, Part 51 of the New York Codes, Rules and Regulations (Statutory authority: Environmental Conservation Law, §§ 1-0101, 3-0301, 9-0105, 11-2101). This regulation, herein referred to as "6 NYCRR Part 51" has not been amended since 1984. Since then, public use of these lands has increased and changed considerably. Whereas hunting, trapping and nature observation were once the dominant public uses, new activities such as dog walking and trialing, horse-riding, bicycling, picnicking, and drone use have the potential to adversely affect wildlife and wildlife-dependent recreation. The proposed amendments to 6 NYCRR Part 51 will regulate public uses, including activities not formerly addressed by the current regulation, to prevent disturbances to wildlife and conflicts with wildlife-dependent recreation.

Simultaneously with the repeal of the current 6 NYCRR Part 51 and the adoption of a new Part 51, the Division seeks to clean up Subchapter G by repealing in their entirety the following obsolete, unnecessary, or potentially misleading area-specific regulations:

- Part 61 which addresses Public Use of Clay Marsh, Deer Creek Marsh, Howland Island and Three Mile Bay Wildlife Management Areas and State-Owned Islands on Oneida Lake. These sites are not regulated separately, independently, or any differently than the other 125 Wildlife Management Areas in the State system.

- Part 75 which addresses Hunting and Trapping on Fire Island National Seashore (FINS) Cooperator Area. This area ceased being a Cooperator Area in 1990. The FINS is under the sole jurisdiction of the National Park Service and hunting is restricted to waterfowl only. This Part is misleading and can cause confusion because FINS is no longer a Cooperator Area and trapping and hunting of big game are not allowed.

- Part 84 which applies to public use of the Bog Brook Unique Area, located in the towns of Southeast and Patterson in Putnam County. Bog Brook Unique Area is now managed as part of the WMA system and public use is regulated by 6 NYCRR Part 51. It is therefore unnecessary and potentially misleading to have separate regulations for this area.

In addition, the repeal and replacement to 6 NYCRR Part 51 and simultaneous repeals of Parts 61, 75, and 84 will ensure that the rules governing the use of WMAs are clear and easy for the public to understand and remain consistent with the goals of the federally administered Wildlife and Sportfish Restoration (WSFR) Program; the primary funding source for the management of WMAs.

If these changes are not adopted, the Division will not be able to effectively control conflicting public uses, risking adverse effects to wildlife and the enjoyment of wildlife-dependent recreation, endangering critical financial support from the WSFR program, and hampering the Division's management of fish and wildlife resources and its hunter recruitment and retention efforts.

#### **Regulatory Impact Statement**

1. Statutory authority: NYS Environmental Conservation Law §§ 1-0101, 3-0301, 9-0105, 11-2101.

2. Legislative objectives: To enable the State to make regulations, post signs, issue permits, remove trees, and to take other actions as necessary to manage state-owned hunting, trapping, and fishing lands and facilities.

3. Needs and benefits: This proposal seeks to repeal and replace Title 6, Chapter 1, Subchapter G, Part 51 ("6 NYCRR Part 51") of the New York Codes, Rules and Regulations which regulates public use of Wildlife Management Areas and simultaneously, to repeal three unnecessary, obsolete, and potentially-confusing regulations: Parts 61, 75 and 84.

The Division of Fish and Wildlife (the Division) administers all Wildlife Management Areas (WMAs) and selected Unique and Multiple Use Areas to benefit and conserve native wildlife and to provide opportunities for wildlife-dependent recreation; namely hunting, wildlife observation, fishing, and trapping. Other activities are allowed if they do not interfere with these management goals. This regulation has not been amended since 1984. Since then, public use of these lands has increased considerably, and has the potential to adversely affect wildlife and wildlife-dependent recreation. The proposed changes to 6 NYCRR Part 51 will regulate public uses, including several activities not formerly addressed by the current regulation, to prevent disturbances to wildlife and conflicts with wildlife-dependent recreation. In addition, these revisions will ensure that public uses of WMAs remain consistent with the goals of the federally administered Wildlife and Sportfish Restoration (WSFR) Program, which is the primary funding source for the management of WMAs.

Part 61 addresses Public Use of Clay Marsh, Deer Creek Marsh, Howland Island and Three Mile Bay Wildlife Management Areas and State-Owned Islands on Oneida Lake. These sites are not regulated separately, independently, or any differently than the other 125 Wildlife Management Areas in New York. Repeal of this regulation will streamline the NYCRR.

Part 75 addresses Hunting and Trapping on Fire Island National Seashore Cooperator Area. This area ceased to be a Cooperator Area in 1990. The Fire Island National Seashore (FINS) is under the sole jurisdic-

tion of the National Park Service and hunting is restricted to waterfowl only and trapping is no longer allowed. Repeal of this Part will remove confusion since FINS is no longer a Cooperator Area and trapping and big game hunting are not allowed.

Part 84 applies to public use of the Bog Brook Unique Area, located in the towns of Southeast and Patterson in Putnam County. Bog Brook Unique Area is now managed as part of the WMA system and public use is regulated by 6 NYCRR Part 51. Repeal of Part 84 will remove an unnecessary and potentially misleading regulation and streamline 6 NYCRR.

4. Costs: None. The activities regulated provide no income. The proposed amendments will allow the Division to regulate and when necessary curtail certain public activities which can adversely affect wildlife and wildlife-dependent recreation (wildlife observation, hunting, trapping). The adoption of these amendments will reduce conflicting and interfering uses, reducing policing, stewardship, and maintenance costs.

5. Local government mandates: None. DEC is responsible for enforcing Title 6, Chapter 1, subchapter G of NYCRR and the action proposed will not affect local government resources.

6. Paperwork: No additional paperwork will be required as a result of the proposed rule changes. Law enforcement officers will have an increased ability to issue tickets for violations of 6 NYCRR Part 51. For special cases, the Regional Manager may issue a Temporary Revocable Permit or letter of permission to allow regulated activities under certain conditions.

7. Duplication: None. The repeal of Parts 61, 75 and 84 reduces duplication and confusion. There are no other regulations addressing the public use of wildlife management areas.

8. Alternatives: No Change. Not revising 6 NYCRR Part 51 would not address current activities and situations that can adversely affect wildlife and wildlife-related recreation. Without these amendments, DEC is powerless to regulate these activities. While their repeal is not required, not repealing Parts 61, 75 and 84 will keep confusing and duplicative regulations in Title 6, Chapter 1, Subchapter G of NYCRR and prevent simplification of the regulations.

9. Federal standards: There are no federal standards that apply. The changes to 6 NYCRR Part 51 through repeal and replacement will ensure compliance with the provisions of the Wildlife and Sportfish Restoration Program which funds the Division's administration of Wildlife Management Areas.

10. Compliance schedule: Once the repeal and replacement of 6 NYCRR Part 51 is adopted it will allow for immediate regulation and enforcement of violations.

#### **Regulatory Flexibility Analysis**

This proposal does not require a Regulatory Flexibility Analysis as the amendment merely updates the public use of Wildlife Management Areas (6 NYCRR Part 51) and simultaneously repeals three unnecessary, obsolete, and potentially confusing regulations: Parts 61, 75 and 84.

The proposal will not impose an adverse economic impact or reporting, recordkeeping or other compliance requirements on small businesses or local governments. The rule does not impose any significant technological changes on any industry for the reasons set forth above.

Pursuant to Section 202-b of the State Administrative Procedure Act (as amended by Chapter 524 of the Laws of 2011), when considering the promulgation of a rule or regulation that would establish or modify a violation or penalty associated with a violation, it is not applicable as stated above.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: For purposes of this Rural Area Flexibility Analysis (RAFA), "rural area" means those portions of the state so defined by Executive Law section 481(7). SAPA section 102(10). Under Executive Law section 481(7), rural areas are defined as "counties within the state having less than two hundred thousand population, and the municipalities, individuals, institutions, communities, programs and such other entities or resources as are found therein. In counties of two hundred thousand or greater population, 'rural areas' means towns with population densities of one hundred fifty persons or less per square mile, and the villages, individuals, institutions, communities, programs and such other entities or resources as are found therein." There are 44 counties in New York State (State) that have populations of less than 200,000 people and 71 towns in non-rural counties where the population densities are less than 150 people per square mile.

2. Reporting, recordkeeping and other compliance requirements; and professional services: The proposed repeal and replacement of 6 NYCRR Part 51 and repeal of Parts 61, 75 and 84 will not affect reporting, professional services, or have compliance implications. Occasionally, the DEC Regional Manager may issue a Temporary Revocable Permit for a regulated activity and the region would then need to maintain a list of permitted individuals, effective dates, and conditions (if any).

3. Costs: None. The activities regulated by 6 NYCRR Parts 51, 61, 75

or 84 provide no income. As a result of these amendments, maintenance needs are expected to decrease, representing significant savings.

4. Minimizing adverse impact: There is no foreseeable adverse impact associated with this regulation.

5. Rural area participation: The proposed repeal and replacement of 6 NYCRR Part 51 and repeals of Parts 61, 75 and 84 will only affect such State land designated as Wildlife Management Area, and selected State land designated Unique or Multiple-Use area under the sole administration of the NYSDEC Division of Fish and Wildlife. As such, amendments will not require any participation of any kind nor incur any costs from other municipalities or agencies. Nevertheless, municipalities or individuals will have the opportunity to review and comment on the proposed repeal and replacement of 6 NYCRR Part 51 and on the repeal of Parts 61, 75, and 84 during the public review process.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: Not applicable.

#### **Job Impact Statement**

1. Nature of impact: The activities regulated by 6 NYCRR Parts 51, 61, 75 and 84 do not generate jobs or employment opportunities directly or indirectly. The regulation of these activities will therefore have no impact.

2. Categories and numbers affected: No job or employment categories or numbers will be affected.

3. Regions of adverse impact: No adverse impacts to jobs or employment opportunities.

4. Minimizing adverse impact: Not applicable.

5. Self-employment opportunities: Not applicable.

6. Initial review of the rule, pursuant to SAPA § 207 as amended by L. 2012, ch. 462: Not Applicable.

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## Department of Financial Services

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### EMERGENCY RULE MAKING

#### **Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure**

**I.D. No.** DFS-12-21-00002-E

**Filing No.** 204

**Filing Date:** 2021-03-05

**Effective Date:** 2021-03-05

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of section 52.16(q) to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3217-h, 3221, 4303 and 4306-g

**Finding of necessity for emergency rule:** Preservation of public health and public safety.

**Specific reasons underlying the finding of necessity:** The novel coronavirus ("COVID-19") has spread to millions of people worldwide, with several hundred-thousand confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19, it is essential that insureds continue to have access to health care services in a way that limits the spread of COVID-19.

This amendment prohibits authorized insurers and health maintenance organizations (collectively, "health care plans") that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and states that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers ("providers") to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for telehealth services provided.

Given the public health implications related to COVID-19, it is essential that New Yorkers continue to be able to access health care services in a

way that limits the spread of COVID-19. The waiver of copayments, coinsurance, and annual deductibles for in-network telehealth services is necessary to ensure that people continue to have access to health care services in a way that limits in-person exposure. Additionally, encouraging people who do not need emergency care to use telehealth services alleviates the stress that COVID-19 puts on our health care system, in particular, the number of patients in emergency departments. Failure to encourage the use of telehealth services could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

Since the crisis involving COVID-19 is constantly evolving, and to ensure that New Yorkers continue to have access to health care services in a way that limits the spread of COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

**Purpose:** To waive cost-sharing for in-network telehealth services.

**Text of emergency rule:** Section 52.16(q) is added as follows:

(q)(1) *No policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service delivered via telehealth when such service would have been covered under the policy if it had been delivered in person.*

(2) *An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.*

(3) *Telehealth means the use of electronic information and communication technologies, including the telephone, by a health care provider to deliver health care services to an insured while such insured is located at a site that is different from the site where the health care provider is located, pursuant to Insurance Law sections 3217-h and 4306-g.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires April 4, 2021.

**Text of rule and any required statements and analyses may be obtained**

from: Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-8975, email: Tobias.Len@dfs.ny.gov

#### **Regulatory Impact Statement**

1. Statutory authority: Financial Services Law sections 202 and 302 and Insurance Law sections 301, 3216, 3217, 3217-h, 3221, 4303, and 4306-g.

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services (“Superintendent”).

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and 43 and Public Health Law Article 44.

Insurance Law sections 3217-e and 4306-g provide that an insurer or corporation may not exclude from coverage a service that is otherwise covered under a policy or contract that provides comprehensive coverage for hospital, medical or surgical care because the service is delivered via telehealth.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by prohibiting copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy.

3. Needs and benefits: COVID-19 has spread to millions of people worldwide, with several hundred thousand confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19,

it is essential that insureds continue to have access to health care services in a way that limits the spread of COVID-19.

This amendment prohibits authorized insurers and health maintenance organizations (collectively, “health care plans”) that provide comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy when such service is delivered via telehealth.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers (“providers”) in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for telehealth services.

The Department of Financial Services (“Department”) expects every health care plan to reimburse a provider, including reimbursement for the insured’s waived copayment, coinsurance, or annual deductible, with respect to any affected claims.

Given the public health implications relating to COVID-19, it is essential that New Yorkers continue to be able to access health care services in a way that limits the spread of COVID-19. The waiver of copayments, coinsurance, and annual deductibles for in-network telehealth services is necessary to ensure that people continue to have access to health care services in a way that limits in-person exposure. Additionally, encouraging people who do not need emergency care to use telehealth services may alleviate the stress that COVID-19 puts on our health care system, in particular the increased number of patients in emergency departments. Failure to encourage the use of telehealth services could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates and they will need to provide written notification to in-network providers regarding this amendment. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any affected claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

The amendment will not impose compliance costs on any local governments.

5. Local government mandates: The amendment does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for telehealth services provided. This notification may be provided electronically as part of existing communications that occur between health care plans and in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers and local governments should not incur additional paperwork to comply with this amendment.

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas. If the policy or contract is a high deductible health plan as defined in Internal Revenue Code section 223(c)(2), in-network services delivered via telehealth may be subject to the annual deductible if otherwise required by federal law.

10. Compliance schedule: The rule will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

#### **Regulatory Flexibility Analysis**

1. Effect of rule: This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment prohibits health care plans that provide comprehensive coverage for hospital, surgical, or medical care

from imposing, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible for telehealth services provided.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent of Financial Services and must provide written notification of the amendment to its in-network providers.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates and must provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider that is a small business may incur additional costs to comply with the amendment, which may include costs to ensure that the insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any affected claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business affected by the amendment, if any, because the amendment uniformly affects all health care plans and providers. In addition, a provider that is a small business should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any affected claims from the health care plan directly.

7. Small business and local government participation: The Department of Financial Services ("Department") notified trade associations representing health care plans that are small businesses that it intended to promulgate this amendment. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, "health care plans") and health care providers ("providers") affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services ("Department") and will be required to provide written notification of the amendment to its in-network providers.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment.

A health care plan or provider, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans and providers, including those in rural areas, may incur additional costs to comply with the amendment. A health care plan may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Department and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

Providers, including those in rural areas, may incur additional costs to comply with the amendment. Those additional costs may include costs to ensure that the insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any affected claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department notified trade associations representing health care plans that are in rural areas that it intended to promulgate this amendment. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department's website.

#### **Job Impact Statement**

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment prohibits a policy or contract delivered or issued for delivery in this State that provides comprehensive coverage for hospital, surgical, or medical care from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for an in-network service otherwise covered under the policy when such service is delivered via telehealth. As a result, there should be no impact on jobs or employment opportunities.

## **EMERGENCY RULE MAKING**

### **Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure**

**I.D. No.** DFS-12-21-00003-E

**Filing No.** 205

**Filing Date:** 2021-03-05

**Effective Date:** 2021-03-05

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Addition of section 52.16(p) to Title 11 NYCRR.

**Statutory authority:** Financial Services Law, sections 202, 302; Insurance Law, sections 301, 3216, 3217, 3221 and 4303

**Finding of necessity for emergency rule:** Preservation of public health and public safety.

**Specific reasons underlying the finding of necessity:** The novel coronavirus ("COVID-19") has spread to millions of people worldwide, with several hundred thousand confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that

COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Since the situation regarding COVID-19 is constantly evolving, and to ensure that cost-sharing does not serve as a barrier to testing for COVID-19, it is imperative that this amendment be promulgated on an emergency basis for the preservation of public health.

**Subject:** Minimum Standards for Form, Content, and Sale of Health Insurance, Including Standards of Full and Fair Disclosure.

**Purpose:** To waive cost-sharing for in-network visits and laboratory tests necessary to diagnose the novel coronavirus (COVID-19).

**Text of emergency rule:** Section 52.16(p) is added as follows:

(p)(1) *No policy or contract delivered or issued for delivery in this State that provides hospital, surgical, or medical expense insurance coverage shall impose, and no insured shall be required to pay, copayments, coinsurance, or annual deductibles for the following services when covered under the policy or contract:*

(i) *in-network laboratory tests to diagnose the novel coronavirus (COVID-19); and*

(ii) *visits to diagnose the novel coronavirus (COVID-19) at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose the novel coronavirus (COVID-19), or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for the novel coronavirus (COVID-19), including an inpatient hospital admission, as otherwise permitted by law.*

(2) *An insurer shall provide written notification to its in-network providers that they shall not collect any deductible, copayment, or coinsurance in accordance with this subdivision.*

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires April 4, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Tobias Len, Department of Financial Services, One Commerce Plaza, Albany, NY 12257, (518) 474-8975, email: Tobias.Len@dfs.ny.gov

#### **Regulatory Impact Statement**

1. Statutory authority: Financial Services Law sections 202 and 302 and Insurance Law sections 301, 3216, 3217, 3221, and 4303.

Financial Services Law section 202 establishes the office of the Superintendent of Financial Services ("Superintendent").

Financial Services Law section 302 and Insurance Law section 301, in pertinent part, authorize the Superintendent to prescribe regulations interpreting the Insurance Law and to effectuate any power granted to the Superintendent in the Insurance Law, Financial Services Law, or any other law.

Insurance Law section 3216 sets forth the standard provisions in individual accident and health insurance policies.

Insurance Law section 3217 authorizes the Superintendent to issue regulations to establish minimum standards for the form, content and sale of health insurance policies and subscriber contracts of corporations organized under Insurance Law Articles 32 and Article 43 and Public Health Law Article 44.

Insurance Law section 3221 sets forth the standard provisions in group and blanket accident and health insurance policies.

Insurance Law section 4303 sets forth mandatory benefits in subscriber contracts issued by corporations organized under Insurance Law Article 43.

2. Legislative objectives: The statutory sections cited above establish

the minimum standards for the form, content, and sale of health insurance, including standards of full and fair disclosure. This proposed amendment accords with the public policy objectives that the Legislature sought to advance in the foregoing sections of the Insurance Law by prohibiting the imposition of copayments, coinsurance, or annual deductibles for in-network laboratory tests to diagnose the novel coronavirus ("COVID-19") and visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital.

3. Needs and benefits: COVID-19 has spread to millions of people worldwide, with several hundred thousand confirmed cases in New York State. While the number of hospitalizations for COVID-19 has diminished sharply in New York, there are still numerous cases of New Yorkers testing positive for COVID-19. The Centers for Disease Control has confirmed that COVID-19 seems to spread easily and sustainably in communities in affected areas. Given the public health implications related to COVID-19, it is essential that cost-sharing not serve as a barrier to testing for COVID-19.

This amendment prohibits authorized insurers and health maintenance organizations (collectively, "health care plans") that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose COVID-19 and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law.

The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network health care providers ("providers") in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

The Department of Financial Services ("Department") expects every health care plan to reimburse a provider, including reimbursement for the insured's waived copayment, coinsurance, or annual deductible, with respect to any impacted claims.

Given the public health implications related to COVID-19, it is essential that cost-sharing does not serve as a barrier to testing for COVID-19. The waiver of copayments, coinsurance, and annual deductibles is necessary to ensure that people are not deterred from seeing a provider and getting tested for COVID-19. Failure to do so could result in the further spread of this epidemic and could jeopardize the health and safety of the people of New York.

4. Costs: Health care plans may incur additional costs to comply with the amendment because they may need to file new policy and contract forms and rates and they will need to provide the written notification to in-network providers regarding this amendment. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

This amendment may impose costs on providers because they will need to ensure that insureds are not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured's copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

This amendment may impose compliance costs on the Department because the Department will need to review amended policy and contract forms and rates. However, any additional costs incurred by the Department should be minimal, and the Department should be able to absorb the costs in its ordinary budget.

The amendment will not impose compliance costs on any local governments.

5. Local government mandates: The amendment does not impose any program, service, duty or responsibility on any county, city, town, village, school district, fire district or other special district.

6. Paperwork: Health care plans are required to provide written notification to their in-network providers that the providers may not collect any deductible, copayment, or coinsurance for laboratory tests and visits to diagnose COVID-19. This notification may be provided electronically as part of existing communications that occur between health care plans and

in-network providers. Health care plans may also need to file new policy and contract forms and rates with the Superintendent.

Providers and local governments should not incur additional paperwork to comply with this amendment.

7. Duplication: This amendment does not duplicate, overlap, or conflict with any existing state or federal rules or other legal requirements.

8. Alternatives: There are no significant alternatives to consider.

9. Federal standards: The amendment does not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance schedule: The rule will take effect immediately upon filing of the Notice of Emergency Adoption with the Secretary of State.

#### **Regulatory Flexibility Analysis**

1. Effect of the rule: This rule affects health maintenance organizations and authorized insurers (collectively, “health care plans”) and health care providers (“providers”). This amendment prohibits health care plans that provide hospital, surgical, or medical expense insurance policies or contracts from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, or annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus (“COVID-19”) and for visits to diagnose COVID-19 at the following locations, including through telehealth: an in-network provider’s office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. Copayments, coinsurance, or annual deductibles may be imposed in accordance with the applicable policy or contract for any follow-up care or treatment for COVID-19, including an inpatient hospital admission, as otherwise permitted by law. The amendment requires every health care plan to provide written notification of the requirements of the amendment to its in-network providers in order to ensure that the providers do not require any insured to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment. This notification should ensure that providers do not collect a copayment, coinsurance, or annual deductible at any time, including when the services are provided, which is typically when such payment is collected.

Industry asserts that certain health care plans subject to the amendment are small businesses. Providers also may be small businesses. As a result, certain health care plans and providers that are small businesses will be affected by this amendment.

This amendment does not affect local governments.

2. Compliance requirements: No local government will have to undertake any reporting, recordkeeping, or other affirmative acts to comply with this amendment because the amendment does not apply to any local government.

A health care plan that is a small business affected by this amendment, if any, may be subject to reporting, recordkeeping, or other compliance requirements as the health care plan may need to file new policy and contract forms and rates with the Superintendent and will be required to provide written notification of the amendment to its in-network providers.

A provider that is a small business may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed under the amendment at any time, including at the time services are provided.

3. Professional services: No local government will need professional services to comply with this amendment because the amendment does not apply to any local government. No health care plan or provider that is a small business affected by this amendment should need to retain professional services, such as lawyers or auditors, to comply with this amendment.

4. Compliance costs: No local government will incur any costs to comply with this amendment because the amendment does not apply to any local government. A health care plan that is a small business affected by this amendment, if any, may incur costs because it may need to file new policy or contract forms and rates and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider that is a small business may incur additional costs to comply with the amendment, which may include costs to ensure that the insured is not charged a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

5. Economic and technological feasibility: This amendment does not apply to any local government; therefore, no local government should experience any economic or technological impact as a result of the amendment. A health care plan and a provider that is a small business

should not incur any economic or technological impact as a result of the amendment.

6. Minimizing adverse impact: There will not be an adverse impact on any local government because the amendment does not apply to any local government. This amendment should not have an adverse impact on a health care plan or provider that is a small business affected by the amendment, if any, because the amendment uniformly affects all health care plans and providers. In addition, a provider that is a small business should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims from the health care plan directly.

7. Small business and local government participation: The Department of Financial Services (“Department”) contacted trade associations representing health care plans that are small businesses before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers that are small businesses that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers that are small businesses also will have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

#### **Rural Area Flexibility Analysis**

1. Types and estimated numbers of rural areas: Authorized insurers and health maintenance organizations (collectively, “health care plans”) and health care providers (“providers”) affected by this amendment operate in every county in this state, including rural areas as defined by State Administrative Procedure Act section 102(10).

2. Reporting, recordkeeping, and other compliance requirements; and professional services: A health care plan, including a health care plan in a rural area, may be subject to additional reporting, recordkeeping, or other compliance requirements because the health care plan may need to file new policy and contract forms and rates with the Department of Financial Services (“Department”) and will be required to provide written notification of the amendment to its in-network providers.

A provider, including a provider in a rural area, may be subject to reporting, recordkeeping, or other compliance requirements as the provider must ensure that an insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed pursuant to the amendment at any time, including at the time the services are provided.

A health care plan or a provider, including those in a rural area, should not need to retain professional services, such as lawyers or auditors, to comply with this amendment.

3. Costs: Health care plans and providers, including those in rural areas, may incur additional costs to comply with the amendment. A health care plan may incur additional compliance costs as it may need to file new policy and contract forms and rates with the Department and will be required to provide written notification of the amendment to its in-network providers. However, any costs should be minimal because health care plans submit policy or contract form and rate filings and provide written notifications to providers as a part of the normal course of business.

A provider, including those in rural areas, may incur additional costs to comply with the amendment. Those additional costs may include costs to ensure that the insured is not required to pay a copayment, coinsurance, or annual deductible that is prohibited from being imposed at any time, including at the time the services are provided. However, any additional costs should be minimal because a provider should receive reimbursement, including the insured’s copayment, coinsurance, or annual deductible, from the health care plan directly with respect to any impacted claims.

4. Minimizing adverse impact: This amendment uniformly affects health care plans and providers that are located in both rural and non-rural areas of New York State. The amendment should not have an adverse impact on rural areas.

5. Rural area participation: The Department contacted trade associations representing health care plans that are in rural areas before it promulgated this amendment and considered comments it received from these associations. The Department also notified trade associations representing providers in rural areas that it intended to promulgate this amendment and considered comments it received from these associations. Health care plans and providers in rural areas will also have an opportunity to participate in the rulemaking process when the amendment is published in the State Register and posted on the Department’s website.

#### **Job Impact Statement**

This amendment should not adversely impact jobs or employment opportunities in New York State. The amendment prohibits policies and contracts of hospital, surgical, or medical expense insurance from imposing, and provides that no insured shall be required to pay, copayments, coinsurance, and annual deductibles for covered in-network laboratory tests to diagnose the novel coronavirus (“COVID-19”) and for visits to diagnose COVID-19 at the following locations, including through telehealth:

an in-network health care provider's office, an in-network urgent care center, any other in-network outpatient provider setting able to diagnose COVID-19, or an emergency department of a hospital. As a result, there should be no impact on jobs or employment opportunities.

## Department of Labor

### EMERGENCY RULE MAKING

#### Setoff Against Unemployment Insurance Benefits for the Recovery of Nonwillful Overpayments

**I.D. No.** LAB-12-21-00006-E

**Filing No.** 207

**Filing Date:** 2021-03-08

**Effective Date:** 2021-03-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 470.5(c) of Title 12 NYCRR.

**Statutory authority:** Labor Law, sections 21(11), 530(1); State Administrative Procedure Act, section 202(6)

**Finding of necessity for emergency rule:** Preservation of public health, public safety and general welfare.

**Specific reasons underlying the finding of necessity:** This emergency regulation is needed to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many claimants. The reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, nonwillful overpayments.

**Subject:** Setoff Against Unemployment Insurance Benefits for the Recovery of Nonwillful Overpayments.

**Purpose:** To reduce the setoff to recover nonwillful overpayments of unemployment insurance benefits from 50 percent to 20 percent of benefits.

**Text of emergency rule:** Section 470.5 of 12 NYCRR is amended to read as follows:

§ 470.5 Setoff against unemployment insurance benefits.

Established and outstanding overpaid unemployment insurance benefits shall be collected from a claimant's weekly benefit award as a setoff.

(a) Priority of liquidation. In the event that more than one overpayment is established against an individual claimant, setoff amounts will be debited to such overpayments in chronological order.

(b) Willful overpayment. A setoff of 100 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as at least one of such overpayments is determined to have been willful.

(c) Non-willful overpayment. A setoff of [50]20 percent of the weekly benefit amount will apply to one or more established and outstanding overpayments attributable to an individual claimant so long as none of such overpayments are determined to have been willful.

**This notice is intended** to serve only as an emergency adoption, to be valid for 90 days or less. This rule expires June 5, 2021.

**Text of rule and any required statements and analyses may be obtained from:** Michael Paglialonga, NYS Department of Labor, State Office Campus, Building 12, Room 509, Albany, NY 12240, (518) 457-4380, email: regulations@labor.ny.gov

#### Regulatory Impact Statement

**Statutory Authority:** Labor Law, sections 21(11), 530(1); State Administrative Procedure Act, section 202(6).

**Legislative Objectives:** Article 18 of the N.Y. labor Law was established to ensure the payment of unemployment insurance (UI) benefits to eligible

claimants in conformity and substantial compliance with the applicable federal laws and regulations, including the Federal Unemployment Tax Act (26 U.S.C. §§ 3301-3320) and the Social Security Act (42 U.S.C. §§ 501-506). As stated in Labor Law § 501, the purpose and legislative intent for the enactment of Article 18 was to alleviate the economic insecurity caused by unemployment, which is a serious menace to the health, welfare, and morale of the people of the State of New York. Finding that involuntary unemployment often falls with crushing force upon the unemployed worker and his family, on April 9, 1931 the Legislature enacted Article 18 of the Labor Law to establish the New York State UI program, and declared that in its considered judgment the public good and the well-being of the wage earners of this state require the enactment of this measure for the compulsory setting aside of financial reserves for the benefit of persons unemployed through no fault of their own.

Labor Law § 530(1) authorizes the commissioner of labor with the authority to promulgate rules and regulations for the effective administration of Article 18. In accordance with 42 U.S.C. § 503(g), proper administration of Article 18 includes requiring that benefits paid to UI claimants be offset for the repayment of benefits previously overpaid and not yet collected. In light of the public health and economic emergency created by the novel coronavirus, also known as COVID-19, a reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that the legislative intent set forth in Labor Law § 501 is met and to prevent further injury to UI claimants who are unemployed through no fault of their own.

**Needs and Benefits:** This emergency regulation is necessary to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by COVID-19. Federal law requires weekly UI benefits to be offset to recover unpaid debts caused by overpayments, including non-willful, non-fraudulent overpayments. The economic impact of COVID-19, along with the reduction in weekly benefits caused by the expiration of temporary federal programs established under the Coronavirus Aid, Relief, and Economic Security Act, has resulted in significant financial insecurity for many UI claimants. The reduction in the weekly setoff to collect non-willful overpayments is necessary to public health, safety, and general welfare by ensuring that claimants are better able to meet their weekly financial needs in the midst of the COVID-19 public health and economic crisis while still meeting federal obligations to repay the prior, non-willful overpayments.

The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on UI claimants who were unintentionally overpaid benefits by reducing the existing offset percentage from 50% to 20%.

**Costs:** As this rule merely changes the offset percentage for overpayment collections already occurring, the Department estimates that there will be no costs to the regulated community, to the Department of Labor, or to state and local governments to implement this rulemaking.

**Local Government Mandate:** None. The rulemaking effects individual claimant's weekly benefits and does not create any mandate for federal, state, or municipal governments, or any political subdivision thereof.

**Paperwork:** This rulemaking does not impact any reporting requirements currently required in either statute or regulation.

**Duplication:** This rulemaking does not duplicate, overlap, or conflict with any other state or federal requirements.

**Alternatives:** There were no significant alternatives considered.

**Federal Standards:** 42 U.S.C. § 503(g) requires that states administering an unemployment insurance program certified by the United States Department of Labor offset, from a claimant's weekly benefits, amounts previously overpaid but not yet recovered. States have discretion over what percentage offset from a claimant's weekly benefit entitlement. Unemployment Insurance Program Letter 05-13 § 4(B)(i). There are no other federal standards for this rule.

**Compliance Schedule:** This emergency rulemaking shall become effective upon filing with the Department of State.

#### Regulatory Flexibility Analysis

**Effect of Rule:** The purpose and intent of this emergency rulemaking is to prevent an additional financial burden on claimants who were unintentionally overpaid benefits and are experiencing a loss of employment during the public health and economic crisis caused by the novel coronavirus, also known as COVID-19 by reducing the existing offset percentage from 50% to 20%. The Department anticipates this will have no impact on small businesses or local governments.

**Compliance Requirements:** Small businesses and local governments will not have to undertake any new reporting, recordkeeping, or other affirmative act in order to comply with this regulation.

**Professional Services:** No professional services would be required to effectuate the purposes of this regulation.

**Compliance Costs:** As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates

that there will be no costs to small businesses or local governments to implement this regulation.

**Economic and Technological Feasibility:** The regulation does not require any use of technology to comply.

**Minimizing Adverse Impact:** The Department does not anticipate that this regulation will adversely impact small businesses or local governments. Since no adverse impact to small businesses or local governments will be realized, it was unnecessary for the Department to consider approaches for minimizing adverse economic impacts as suggested in State Administrative Procedure Act § 202-b(1).

**Small Business and Local Government Participation:** The Department does not anticipate that this rule will have an adverse economic impact upon small businesses or local governments, nor will it impose new reporting, recordkeeping, or other compliance requirements upon them.

**Initial review of the rule pursuant to SAPA § 207:** Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

#### **Rural Area Flexibility Analysis**

**Types and estimated numbers of rural areas:** The Department anticipates that this regulation will have a positive or neutral impact upon all areas of the state; there is no adverse impact anticipated upon any rural area of the state resulting from adoption of this regulation.

**Reporting, recordkeeping and other compliance requirements:** This regulation will not impact reporting, recordkeeping or other compliance requirements.

**Professional services:** No professional services will be required to comply with this regulation.

**Costs:** As this regulation reduces an existing offset percentage associated with unemployment benefits, the Department estimates that there will be no new or additional costs to rural areas to implement this regulation.

**Minimizing adverse impact:** The Department does not anticipate that this regulation will have an adverse impact upon any region of the state. As such, different requirements for rural areas were not necessary.

**Rural area participation:** The Department does not anticipate that the regulation will have an adverse economic impact upon rural areas nor will it impose new reporting, recordkeeping, or other compliance requirements.

#### **Job Impact Statement**

**Nature of Impact:** The Department of Labor (hereinafter "Department") projects there will be no adverse impact on jobs or employment opportunities in the State of New York as a result of this emergency rulemaking. Rather, this regulation will help claimants who are experiencing a job loss as a result of the economic and public health crisis caused by the novel coronavirus, also known as COVID-19, and are subject to a benefits setoff to repay unintentionally overpaid benefits for a prior benefit week(s). This regulation amends existing regulations to decrease the setoff percentage for the recovery of non-willful overpayments from 50% to 20%. The nature and purpose of this regulation is such that it will not have an adverse impact on jobs or employment opportunities.

**Categories and numbers affected:** The Department does not anticipate that this regulation will have an adverse impact on jobs or employment opportunities in any category of employment. This regulation will help to reduce the financial burden on unemployment insurance claimants during public health and economic crisis caused by COVID-19.

**Regions of adverse impact:** The Department does not anticipate that this regulation will have an adverse impact upon jobs or employment opportunities statewide or in any particular region of the state.

**Minimizing adverse impact:** Since the Department does not anticipate any adverse impact upon jobs or employment opportunities resulting from this regulation, no measures to minimize any unnecessary adverse impact on existing jobs or to promote the development of new employment opportunities are required.

**Self-employment opportunities:** The Department does not foresee a measurable impact upon opportunities for self-employment resulting from adoption of this regulation.

**Initial review of the rule pursuant to SAPA § 207:** Initial review of this regulation shall occur no later than the third calendar year in which it is adopted.

#### **Assessment of Public Comment**

The agency received no public comment.

## State Liquor Authority

### PROPOSED RULE MAKING HEARING(S) SCHEDULED

#### Minimum Curriculum Requirements for ATAP Schools

**I.D. No.** LQR-12-21-00005-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Addition of section 106.3(l) to Title 9 NYCRR.

**Statutory authority:** Alcoholic Beverage Control Law, section 18(10)

**Subject:** Minimum curriculum requirements for ATAP schools.

**Purpose:** To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools.

**Public hearing(s) will be held at:** 10:00 a.m., June 9, 2021 at 163 W. 125th St. New York, NY 10027.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Text of proposed rule:** 106.3 Minimum curriculum requirements for ATAP schools.

Prior to approval of any classroom ATAP school Certificate of Approval, the Director of the proposed classroom school, or such employee as may be appointed by the Director, shall provide the Authority with copies of all written materials associated with the course, and shall perform a mock classroom presentation of proposed course curriculum materials for Authority staff (or in the case of online based classes shall provide Authority staff with electronic access to a complete proposed class for review.) All applications for ATAP School Certificates of Approval must contain the following minimum curriculum requirements:

(a) The licensee's and server's responsibility to not sell, deliver or give alcohol to any person under 21 years of age, or to any person who appears visibly intoxicated;

(b) The licensee's and server's responsibility to reasonably supervise the licensed premises;

(c) The licensee's and server's right to refuse any sale of alcoholic beverages to any underage person, intoxicated person, or person without proper written evidence of age;

(d) The licensee's and server's responsibility to establish that any delivery of alcoholic beverages was made in a reasonable reliance upon written evidence of age;

(e) Information regarding those forms of identification which may legally be accepted as written evidence of age including key features of each form of identification;

(f) Information regarding detection techniques through which false and fraudulent forms of identification may be discovered;

(g) Information regarding the devices and manuals which may be used to aid in the detection of false and fraudulent written evidence of age, and information with regard to the manner in which such devices and manuals may be obtained;

(h) For on-premises licensees, the licensee's and server's responsibility to not allow redelivery to any person under 21 years of age, or to any person who appears visibly intoxicated;

(i) Information regarding criminal liability and penalties for the crime of Unlawfully Dealing with a Child (New York Penal Law Sec. 260.20);

(j) Information regarding civil liabilities, general liabilities, responsibility and general obligations relative to sale of alcoholic beverages (New York General Obligations Law Sections 11-100 and 11-101); [and]

(k) Firsthand accounts from the public, illustrating the consequences of the failure of licensees and/or servers to operate in a safe, legal and responsible manner; and

(l) Information regarding sexual violence detection and prevention including building awareness, increasing bystander intervention skills and providing support to staff in responding to incidents of violence.

**Text of proposed rule and any required statements and analyses may be obtained from:** Paul Karamanol, Senior Attorney, State Liquor Authority, 80 South Swan Street, Suite 900, Albany, NY 12210, (518) 269-2696, email: paul.karamanol@sla.ny.gov

**Data, views or arguments may be submitted to:** Same as above.  
**Public comment will be received until:** Five days after the last scheduled public hearing.

**Regulatory Impact Statement**

**Statutory authority:**  
 This proposed regulation updating the minimum curriculum requirements for ATAP schools to include information regarding prevention of sexual violence is authorized pursuant to Alcoholic Beverage Control Law (“ABCL”) § 18(10) and would appear as new subdivision (l) of section 106.3 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.).

This regulation is issued pursuant to the following:  
 ABCL § 18(10), which authorizes the State Liquor Authority (Authority) to promulgate rules and regulations establishing minimum criteria for ATAP schools.

**Legislative objectives:**  
 To promote the health, welfare and safety of the people of New York by ensuring retail liquor licensees and their staff members have access to life-saving information and training.

**Needs and benefits:**  
 As part of an overall effort to modernize the Authority’s rules and regulations the Authority hereby seeks to update its ATAP minimum curriculum rules to ensure information regarding sexual violence detection and prevention, including building awareness, increasing bystander intervention skills, and providing support to staff in responding to incidents of violence, are required as part of all ATAP training courses. This regulatory proposal will help promote the health, welfare, and safety of the people of New York by ensuring retail liquor licensees and their staff members have access to information and training to assist in sexual violence detection and prevention.

**Costs:**  
 There will be no increased costs to local municipal governments as a result of these proposals, as local municipalities play no role in regulating ATAP providers or courses outside of the same local health code and zoning enforcement that they exercise for every business. There will be minimal increased costs to ATAP providers as a result of these proposals since they will be responsible for adding required information regarding detection and prevention of sexual violence to their curricula, and such information is available for free via the New York State Office for the Prevention of Domestic Violence website (<https://opdv.ny.gov/publications/index.html>). As a result, there will be no added costs to the Authority, to local governments, or to industry members as a result of the implementation of the proposed rule amendments.

**Local government mandates:**  
 None. Local governments play no role in regulating ATAP providers or courses outside of the same local health code and zoning enforcement that they exercise for every business.

**Paperwork:**  
 The proposed rule amendments would require ATAP providers to add information regarding detection and prevention of sexual violence to their curricula. The proposed rule amendments impose no new paperwork requirements on Authority staff.

**Duplication:**  
 There is no federal or municipal level involvement in regulating ATAP providers.

**Alternatives/Federal standards:**  
 An alternative would be for the Office for the Prevention of Domestic Violence to create a discrete program to address this concern of educating the bar/restaurant industry of the issue of sexual violence, rather than taking advantage of the already established ATAP program implemented by the Authority.

**Compliance schedule:**  
 The period of time the industry will require to come into compliance is likely to be minimal as the information required to be added to ATAP curricula via this proposal is readily available from numerous sources including the New York State Office for the Prevention of Domestic Violence website as noted above. Since there are no added administrative burdens for the Authority to implement via this rule proposal aside from ensuring the required information is included in all ATAP approvals going forward, the Authority expects to be compliant immediately upon adoption.

**Regulatory Flexibility Analysis**  
 The proposed new subdivision (l) of section 106.3 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would update the Authority’s ATAP minimum curriculum requirements to ensure education regarding sexual violence detection and prevention is a required part of all ATAP training courses. Such education would include building awareness, increasing bystander intervention skills, and providing support to staff in responding to incidents of violence. This regulatory proposal would thus help the Authority promote the health, welfare and safety of

the people of New York by ensuring that retail liquor licensees and their employees have access to this life saving information and training. The amendment, by its very nature, would not impose any adverse economic impact on small businesses or local governments. Participation in ATAP is voluntary. The amendment would not impose reporting, record keeping or other compliance requirements on small businesses or local governments. It is evident from the nature of the proposed amendment that it will have no adverse impact on small businesses or local governments; the Authority thus had no need to take further steps to ascertain those facts. Accordingly, a full Regulatory Flexibility Analysis for Small Businesses and Local Governments is not required for the proposed amendment and none has been prepared.

**Rural Area Flexibility Analysis**  
 The proposed new subdivision (l) of section 106.3 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would update the Authority’s ATAP minimum curriculum requirements to ensure information regarding sexual violence detection and prevention, including building awareness, increasing bystander intervention skills, and providing support to staff in responding to incidents of violence, are required as part of all ATAP training courses. This regulatory proposal would thus help the Authority promote the health, welfare and safety of the people of New York by ensuring retail liquor licensees and their staff members have access to this lifesaving information and training. The amendment, by its very nature, would not impose any adverse impact on facilities in rural areas, and would not impose reporting, record keeping or other compliance requirements on facilities in rural areas. Because it is evident from the nature of the proposed amendment that it will have no adverse impact on rural areas, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a full Rural Area Flexibility Analysis is not required for the proposed amendment and none has been prepared.

**Job Impact Statement**  
 The proposed new subdivision (l) of section 106.3 of Title 9, Subtitle B, of the New York Codes, Rules and Regulations (N.Y.C.R.R.) would update the Authority’s ATAP minimum curriculum requirements to ensure information regarding sexual violence detection and prevention, including building awareness, increasing bystander intervention skills, and providing support to staff in responding to incidents of violence, are required as part of all ATAP training courses. This regulatory proposal would thus help the Authority promote the health, welfare and safety of the people of New York by ensuring retail liquor licensees and their staff members have access to this lifesaving information and training. The amendment would not impose any new or additional compliance requirements and no new professional services would be required to comply with the proposed rule amendments as this proposal merely seeks to add information regarding sexual violence detection and prevention to the Authority’s minimum ATAP curriculum requirements. As a result, the proposed amendment will not have any adverse impact on jobs or employment opportunities. Because it is evident from the nature of the proposed amendment that it will have no impact on jobs or employment opportunities, no further steps were needed to ascertain those facts and none were taken by the Authority. Accordingly, a full Job Impact Statement is not required for the proposed amendment and none has been prepared.

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## Long Island Power Authority

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### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

**LIPA’s Long Island Choice (Retail Choice) Tariff**

**I.D. No.** LPA-12-21-00011-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Long Island Power Authority (LIPA) has proposed changes to simplify its retail choice tariff (Long Island Choice), which are being considered in a stakeholder collaborative process.

**Statutory authority:** Public Authorities Law, section 1020-f(u) and (z)

**Subject:** LIPA’s Long Island Choice (retail choice) tariff.

**Purpose:** To simplify and improve Long Island Choice based on stakeholder collaborative input.

**Substance of proposed rule:** The Long Island Power Authority (LIPA) proposed the following enhancements to its Long Island Choice Program:

- Establish an unbundled rate structure consisting of bypassable Market Supply Charges and non-bypassable Local Supply Charges;
- Implement a utility single bill option with purchase of receivables;
- Adopt Uniform Business Practices modeled after the requirements for the rest of the State;
- Implement Consumer Protections that align with State policy;
- Eliminate Switching Fees; and
- Enhance Data Sharing platforms and protocols through the “Green Button” feature that allows ESCO access to relevant billing and AMI load data consistent with State policies on confidentiality of customer information and other EDI capabilities that facilitate the customer enrollment process.

For more details, please see comments filed by LIPA and PSEG Long Island in the Matter of Examining the Potential Benefits of Retail Competition for Long Island Electric Customers, Matter No. 15-02754, a stakeholder collaborative proceeding run by the New York Department of Public Service (DPS).

To receive notices of upcoming stakeholder conferences, please register for notifications through the DPS Matter Management system, in Matter No. 15-02754: <http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=49821&MNO=15-02754>

**Text of proposed rule and any required statements and analyses may be obtained from:** Elisa Rodriguez, Long Island Power Authority, 333 Earle Ovington Blvd., Suite 403, Uniondale, NY 11553, (516) 719-9861, email: [tariffchanges@lipower.org](mailto:tariffchanges@lipower.org)

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

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## Office for People with Developmental Disabilities

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### NOTICE OF ADOPTION

#### Service Day Duration

**I.D. No.** PDD-37-20-00004-A

**Filing No.** 208

**Filing Date:** 2021-03-08

**Effective Date:** 2021-03-24

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** Amendment of section 635-10.5 of Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

**Subject:** Service Day Duration.

**Purpose:** To assist providers in maintaining capacity to operate during the public health emergency.

**Text or summary was published in** the September 16, 2020 issue of the Register, I.D. No. PDD-37-20-00004-EP.

**Final rule as compared with last published rule:** No changes.

**Text of rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office for People With Developmental Disabilities, Office of Counsel, 3rd Floor, 44 Holland Ave., Albany, NY, (518) 474-7700, email: [rau.unit@opwdd.ny.gov](mailto:rau.unit@opwdd.ny.gov)

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

#### Initial Review of Rule

As a rule that requires a RFA, RAFA or JIS, this rule will be initially reviewed in the calendar year 2024, which is no later than the 3rd year after the year in which this rule is being adopted.

#### Assessment of Public Comment

The agency received no public comment.

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Repeal and Amendment to Outdated Rate Regulations

**I.D. No.** PDD-12-21-00007-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of Part 621, Subpart 641-2; repeal of sections 641-2.2–2.10, 676.11, 680.12, 690.7; addition of section 681.14 to Title 14 NYCRR.

**Statutory authority:** Mental Hygiene Law, sections 13.07, 13.09(b), 13.15(a) and 16.00

**Subject:** Repeal and amendment to outdated rate regulations.

**Purpose:** Repeal and amendment to outdated rate regulations.

**Text of proposed rule:** • Subsection 621.10(g) is amended as follows:

(g) At the discretion of the commissioner, the voluntary agency must execute, at the time the FDC loan is made or at any time during the term of such loan:

(1) an assignment to OPWDD of a portion of the facility’s periodic rate or fee reimbursement which it receives [pursuant to section 681.12, 686.13 or 690.12 of this Title] as a result of services rendered to OPWDD and/or the New York State Medicaid program; or

(2) an assignment of all or a portion of any other periodic rate or fee reimbursement receivable by such voluntary agency [pursuant to this Chapter] as a result of services rendered to OPWDD and/or the New York State Medicaid program; or

- Existing clause 621.11(a)(8) is amended as follows:

(8) costs incurred prior to the date of the first admission, during the period described in section[s] [681.12(c)(5)(i), 686.13(c)(4)(i) [and 690.12(d)(2)(viii)(a)]] of this Chapter, including personal service, utilities, taxes, insurance, employee training, housekeeping, repair and maintenance, security, and administrative expenses;

- Existing clause 621.11(a)(9) is amended as follows:

(9) operational costs for up to three months from the date of the first admission, subject to the immediate repayment, at the discretion of the commissioner, of any or all of that portion of the loan principal attributable to such costs. For facilities for which the voluntary agency receives reimbursement rates or fees [pursuant to Part 681, 686, or 690 of this Chapter] as a result of services rendered to OPWDD and/or the New York State Medicaid program, such repayment may be based on an assignment to OPWDD of the voluntary agency’s rate or fee reimbursement for operational costs during such period, which may, at the discretion of the commissioner, be required from the voluntary agency in the format prescribed by the commissioner;

- Existing clause 621.11(a)(13)

(13) such other costs as the commissioner may determine to be reasonable and necessary; provided that such costs are allowable pursuant to the Medicare Provider Reimbursement Manual. [The availability of that document is set forth in section 681.12(c)(10)(i) of this Chapter.]

- Subsection 621.12(b) is amended as follows:

(b) Charges for operational period. The charge payable to OPWDD by the voluntary agency during the period from the occupancy date to the end of the loan term shall be an annual charge of .2 of one percent of the mortgage loan, payable on a monthly or other periodic basis pursuant to an assignment which shall be required from the voluntary agency to OPWDD to be made in the format prescribed by the commissioner. For facilities for which the voluntary agency receives reimbursement rates or fees [pursuant to Part 681, 686, or 690 of this Chapter] as a result of services rendered to OPWDD and/or the New York State Medicaid program, such assignment may require the annual charge to be paid from the periodic payment of the voluntary agency’s rate or fee reimbursement.

- Subsection 621.12(d) is amended as follows:

(d) MCFFA annual administrative charges. The annual administrative charges imposed by MCFFA shall be payable to OPWDD by the voluntary agency from the date of the mortgage loan closing, on a monthly or other periodic basis pursuant to an assignment which shall be required from the voluntary agency to OPWDD to be made in the format prescribed by the Commissioner. For facilities for which the voluntary agency receives reimbursement rates or fees [pursuant to Part 681, 686, or 690 of this Chapter] as a result of services rendered to OPWDD and/or the New York State Medicaid program, such assignment may require the annual charge to be paid from the periodic payment of the voluntary agency’s rate or fee reimbursement.

- Subsection 641-2.1 is amended as follows:  
[On and after July 1, 2014, r] Rates of reimbursement for intermediate care facilities for persons with developmental disabilities (ICF/DD), other than those operated by OPWDD, shall be determined in accordance with 10 NYCRR Part 86-11. The rates of payment made for services rendered to title XIX recipients established in accordance with the methodology contained in 10 NYCRR Part 86-11 shall be contingent upon Federal financial participation (FPP) and approval. [this Subpart.]

- Subsections 641-2.2 – 641-2.10 are repealed in their entirety.
- Subpart 676.11 is repealed and reserved.
- Subpart 690.7 is repealed and a new section (a) shall be inserted as follows:

Rates of payment made for day treatment services rendered to title XIX recipients shall be at the levels set forth in the approved New York Medicaid State Plan. The rates shall be contingent upon Federal financial participation (FPP) and approval.

- Existing sections (d) and (e) of Part 680.12 are repealed and a new section (d) shall be inserted as follows:

Rates of payment made for specialty hospital services rendered to title XIX recipients shall be at the levels set forth in the approved New York Medicaid State Plan. The rates shall be contingent upon Federal financial participation (FPP) and approval.

- Existing section (f) of Part 680.12 is re-lettered to (e) and reads as follows:

- o [(f)] (e) Audits.
- Existing Subpart 681.14(a) is deleted.
- New Subpart 681.14(a) is added to read as follows:

(a) Rates of reimbursement for intermediate care facilities for persons with developmental disabilities (ICF/DD), other than those operated by OPWDD, shall be determined in accordance with Title 10 NYCRR Part 86-11. The rates of payment made for services rendered to title XIX recipients established in accordance with the methodology contained in 10 NYCRR Part 86-11 shall be contingent upon Federal financial participation (FPP) and approval.

- Remainder of Subpart 681.14 is repealed.

**Text of proposed rule and any required statements and analyses may be obtained from:** Mary Beth Babcock, Office for People With Developmental Disabilities, 44 Holland Avenue, Albany, NY 12229, (518) 474-7700, email: rau.unit@opwdd.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** 60 days after publication of this notice.

**Additional matter required by statute:** Pursuant to the requirements of the State Environmental Quality Review Act, OPWDD, as lead agency, has determined that the action described herein will have no effect on the environment and an E.I.S. is not needed.

**This rule was not under consideration at the time this agency submitted its Regulatory Agenda for publication in the Register.**

**Regulatory Impact Statement**

1. Statutory Authority:  
a. The Office for People With Developmental Disabilities (OPWDD) has the statutory responsibility to provide and encourage the provision of appropriate programs, supports, and services in the areas of care, treatment, habilitation, rehabilitation, and other education and training of persons with intellectual and developmental disabilities, as stated in Mental Hygiene Law (MHL) Section 13.07.

b. OPWDD has the statutory authority to adopt rules and regulations necessary and proper to implement any matter under its jurisdiction as stated in MHL Section 13.09(b).

c. OPWDD has the statutory authority to adopt regulations concerned with the operation of programs and the provision of services, as stated in MHL Section 16.00. The regulation also ensures compliance by OPWDD certified and operated residences with the proper provision of services.

d. OPWDD and the New York State Department of Health (DOH) have the statutory authority to develop rate setting methodologies and to promulgate rules and regulations regarding rate setting methodologies applying to facilities under the jurisdiction of OPWDD, pursuant to Mental Hygiene Law Section 43.02.

2. Legislative Objectives: The proposed regulations amend and repeal rate setting regulations that are no longer in use, inconsistent with the New York Medicaid State Plan, or are duplicative of regulations promulgated by DOH, which is the single State Medicaid Agency.

3. Needs and Benefits: These changes are necessary to amend and repeal rate setting regulations which are obsolete, inconsistent with payment methodologies in the New York Medicaid State Plan, or duplicative of regulations promulgated by DOH as the single State Medicaid Agency. These regulatory changes include:

- Amendment of 14 NYCRR Subparts 641-2 and 681.14 to repeal those regulations and to clarify that rate setting regulations for Intermediate

Care Facilities for Individuals with Intellectual Disabilities are found at 10 NYCRR Subpart 86-11, promulgated by the New York State Department of Health as the single State Medicaid Agency.

- Amendment of 14 NYCRR Subparts 680.12 and 690.7 to repeal rate setting regulations that apply to OPWDD Specialty Hospitals and day treatment facilities, respectively, and replace with a reference to the approved New York Medicaid State Plan, as the existing regulations are inconsistent with the reimbursement fees that are set forth in the State Plan approved by the federal Centers for Medicare and Medicaid Services.
- Repeal and reserve 14 NYCRR Subpart 676.11 and 690.7 which contain obsolete reimbursement provisions for OPWDD diagnostic and research clinics.

- Amend portions of 14 NYCRR Subpart 621 to eliminate references to the sections proposed to be repealed.

4. Costs:  
a. Costs to the Agency and to the State and its local governments: These regulations will not have any fiscal impact on local governments. There are no anticipated costs to OPWDD in its role as a provider of services to comply with the new requirements.

b. Costs to private regulated parties: These regulations will not have any fiscal impact on private regulated parties.

5. Local Government Mandates: There are no new requirements imposed by the rule on any other county, city, town, village; or school, fire, or other special district.

6. Paperwork: The proposed amendments would not increase paperwork requirements.

7. Duplication: The proposed regulations do not duplicate any existing State or Federal requirements on this topic.

8. Alternatives: No alternatives were considered as these are repeals of outdated regulations.

9. Federal Standards: The proposed amendments do not exceed any minimum standards of the federal government for the same or similar subject areas.

10. Compliance Schedule: Regulated parties are expected to comply with the proposed regulations when they become effective.

**Regulatory Flexibility Analysis**

A regulatory flexibility analysis for small businesses and local governments is not being submitted because these amendments will not impose any adverse economic impact or reporting, record keeping or other compliance requirements on small businesses. There are no professional services, capital, or other compliance costs imposed on small businesses as a result of these amendments.

The proposed regulations amend Title 14 NYCRR Parts 621, 676.11, 641-2, 690.7, 680.12 and 681.14 to amend and repeal rate setting regulations which are obsolete, inconsistent with payment methodologies in the New York Medicaid State Plan, or duplicative of regulations promulgated by the New York State Department of Health as the single State Medicaid Agency. The amendments will not result in costs or new compliance requirements for regulated parties and consequently, the amendments will not have any adverse effects on providers of small business and local governments.

**Rural Area Flexibility Analysis**

A Rural Area Flexibility Analysis for these amendments is not being submitted because the regulation will not impose any disproportionate adverse impact or significant reporting, record keeping or other compliance requirements on public or private entities in rural areas, as these are changes to repeal obsolete or duplicative rate setting regulations. There are no professional services, capital, or other compliance costs imposed on public or private entities in rural areas as a result of the proposed regulation.

The proposed regulation amends 14 NYCRR Parts 621, 676.11, 641-2, 690.7, 680.12 and 681.14 to amend and repeal rate setting regulations which are obsolete, inconsistent with payment methodologies in the New York Medicaid State Plan, or duplicative of regulations promulgated by the New York State Department of Health as the single State Medicaid Agency. The regulation will not result in an adverse impact on rural communities because the regulation applies to all providers of these services.

**Job Impact Statement**

A Job Impact Statement for the proposed regulation is not being submitted because it is apparent from the nature and purpose of the regulation that they will not have a substantial adverse impact on jobs and/or employment opportunities.

The proposed regulation amends 14 NYCRR Parts 621, 676.11, 641-2, 690.7, 680.12 and 681.14 to amend and repeal rate setting regulations which are obsolete, inconsistent with payment methodologies in the New York Medicaid State Plan, or duplicative of regulations promulgated by the New York State Department of Health as the single State Medicaid Agency. The regulation will not have a substantial impact on jobs or employment opportunities in New York State.

## Public Service Commission

### NOTICE OF ADOPTION

#### CPCN and Lightened Regulatory Regime

**I.D. No.** PSC-20-19-00015-A

**Filing Date:** 2021-03-08

**Effective Date:** 2021-03-08

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following action:

**Action taken:** On 3/8/21, the PSC adopted an order granting Number Three Wind LLC (NTW) a Certificate of Public Convenience and Necessity (CPCN) and a lightened ratemaking regulatory regime in connection with its approximately 105.8 megawatt electric generating facility.

**Statutory authority:** Public Service Law, sections 2(12), (13), (22), 5(1)(b), 64, 65, 66, 67, 68, 69, 69-a, 70, 71, 72, 72-a, 78, 79, 105-114, 114-a, 115, 117, 118, 119-b and 119-c

**Subject:** CPCN and lightened regulatory regime.

**Purpose:** To grant NTW a CPCN and a lightened regulatory regime.

**Substance of final rule:** The Commission, on March 8, 2021, adopted an order granting Number Three Wind LLC a Certificate of Public Convenience and Necessity and a lightened ratemaking regulatory regime in connection with its approximately 105.8 megawatt wind electric generating facility, located in the Towns of Lowville and Harrisburg, in Lewis County, New York, subject to the terms and conditions set forth in the order.

**Final rule as compared with last published rule:** No changes.

**Text of rule may be obtained from:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov An IRS employer ID no. or social security no. is required from firms or persons to be billed 25 cents per page. Please use tracking number found on last line of notice in requests.

#### Assessment of Public Comment

An assessment of public comment is not submitted with this notice because the rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(19-E-0287SA1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Notice of Intent to Submeter Electricity

**I.D. No.** PSC-12-21-00008-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering the notice of intent of Sherman Terrace Cooperative, Inc. to submeter electricity at 1010 Sherman Ave., Bronx, New York.

**Statutory authority:** Public Service Law, sections 2, 4(1), 30, 32-48, 52, 53, 65(1), 66(1), (2), (3), (4), (12) and (14)

**Subject:** Notice of intent to submeter electricity.

**Purpose:** To ensure adequate submetering equipment and consumer protections are in place.

**Substance of proposed rule:** The Commission is considering the notice of intent filed by Sherman Terrace Cooperative, Inc. on February 24, 2021, to submeter electricity at market-rate at an existing cooperative, shareholder owned, building located at 1010 Sherman Ave, Bronx, New York 10456, located in the territory of Consolidated Edison Company of New York Inc. (Con Edison).

In the notice of intent, Sherman Terrace Cooperative, Inc. requests authorization to take electric service from Con Edison and then distribute and meter that electricity to its residents. Once approved by the Commission, submetering of electricity to residents is allowed so long as it complies with the protections and requirements of the Commission's regulations in 16 NYCRR Part 96.

The full text of the notice of intent and the full record of the proceeding may be reviewed online at the Department of Public Service web page: www.dps.ny.gov. The Commission may adopt, reject, or modify, in whole or in part, the action proposed and may resolve related matters.

*Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website: <http://www.dps.ny.gov/f96dir.htm>. For questions, contact: John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: john.pitucci@dps.ny.gov*

*Data, views or arguments may be submitted to: Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: secretary@dps.ny.gov*

*Public comment will be received until: 60 days after publication of this notice.*

#### Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0125SP1)

### PROPOSED RULE MAKING NO HEARING(S) SCHEDULED

#### Transfer of Ownership Interests and Facilities Associated with Three Nuclear Generating Units, Funds, and Storage Facilities

**I.D. No.** PSC-12-21-00009-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** The Commission is considering a petition filed by Exelon Generation Company, LLC, et al., regarding a proposed transaction involving the transfer of ownership interests in certain nuclear generating and associated facilities.

**Statutory authority:** Public Service Law, sections 2(12), (13), 5(1), (2), 5-b, 64, 65, 66 and 70

**Subject:** Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.

**Purpose:** To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.

**Substance of proposed rule:** The Public Service Commission (Commission) is considering a petition filed on February 25, 2021, by Exelon Generation Company, LLC (Exelon Generation) and Exelon Corporation (Exelon) (collectively, the Petitioners), seeking a declaratory ruling by the Commission disclaiming jurisdiction over the proposed inter-corporate transaction in which Exelon Generation would be separated from Exelon, and Exelon Generation thereafter would become the owner and operator of merchant generation facilities and serve customers in competitive energy and gas markets (the Petition). Alternatively, the petition requests Commission authorization to complete the proposed transaction pursuant to Section 70 of the New York State Public Service Law (PSL).

Specific to New York, the petition states that the proposed transaction would not affect operation as the four New York nuclear generation units indirectly owned and operated by Exelon Generation (i.e., Nine Mile Point Nuclear Station Unit 1, Nine Mile Point Nuclear Station Unit 2, R.E. Ginna Nuclear Power Plant, and James A. FitzPatrick Nuclear Power Plant) (collectively, the Facilities). Petitioners assert that Exelon Generation would continue to have the requisite financial wherewithal and technical capability to own and operate the Facilities, and that the transfer would not diminish Exelon Generation's commitment to its workforce, its host communities, and to working with the State of New York to deliver clean energy solutions.

Exelon Generation is licensed by the Nuclear Regulatory Commission (NRC) to operate all of the Facilities and would remain the NRC licensed operator responsible for decommissioning the Facilities. The Facilities also have Nuclear Decommissioning Trusts (NDTs), which contain funds to be used for the decommissioning and restoration of the sites in furtherance of the public interest.

The Commission seeks comment on whether the petition should be granted in whole or in part, whether any conditions should accompany a grant of the petition in whole or in part, and whether the Commission should take any other action related to the petition or the Petitioners. In particular, comment is sought regarding: (a) whether the proposed transfer should be reviewed pursuant to PSL § 70; (b) whether the Wallkill Presumption three-pronged test described in the petition is the appropriate standard for reviewing the proposed transfer pursuant to PSL § 70; and (c) whether the proposed transfer should be approved pursuant to PSL § 70, including whether the proposed transfer is in the public interest.

Commenters should consider addressing specific issues including, but not limited to: (a) the financial wherewithal of Exelon Generation and its

subsidiaries to take ownership of the Facilities and the associated assets and liabilities and to take responsibility for decommissioning and site restoration at the Facilities; (b) the technical fitness of Exelon Generation and its subsidiaries to safely operate, decommission, and perform site restoration at the Facilities; (c) the adequacy of cost estimates and decommissioning and site restoration plans and the NDTs; (e) whether additional information or financial assurances are needed regarding site restoration; (f) risk of shortfalls or bankruptcy and means to address such risks and impacts on the trust funds, decommissioning, and site restoration; (g) the sufficiency of the petition and its Exhibits in addressing the Petitioners' responsibilities under relevant laws, regulations, guidance, and orders, including, but not limited to, the Commission orders approving the sale or transfer of the Facilities and the Commission rulings approving lightened regulation for the Facilities; (h) the status of any money that may remain in the NDTs after decommissioning and site restoration is complete; (i) the potential impact the proposed reorganization may have on local taxing jurisdictions in the coming years and after the termination of the Facilities' operating licenses; (j) management and storage of spent fuel; (k) emergency planning activities and interactions with emergency services agencies; and, (l) whether the proposed reorganization is in the public interest.

The full text of the petition and the full record of the proceeding may be reviewed online at the Department of Public Service web page: [www.dps.ny.gov](http://www.dps.ny.gov). The Commission may adopt, reject, or modify, in whole, in part, the action proposed and may also resolve related matters.

**Text of proposed rule and any required statements and analyses may be obtained by filing a Document Request Form (F-96) located on our website <http://www.dps.ny.gov/f96dir.htm>. For questions, contact:** John Pitucci, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 486-2655, email: [john.pitucci@dps.ny.gov](mailto:john.pitucci@dps.ny.gov)

**Data, views or arguments may be submitted to:** Michelle L. Phillips, Secretary, Public Service Commission, 3 Empire State Plaza, Albany, New York 12223-1350, (518) 474-6530, email: [secretary@dps.gov](mailto:secretary@dps.gov)

**Public comment will be received until:** 60 days after publication of this notice.

**Regulatory Impact Statement, Regulatory Flexibility Analysis, Rural Area Flexibility Analysis and Job Impact Statement**

Statements and analyses are not submitted with this notice because the proposed rule is within the definition contained in section 102(2)(a)(ii) of the State Administrative Procedure Act.

(21-E-0130SP1)

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## Department of State

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### PROPOSED RULE MAKING HEARING(S) SCHEDULED

**New York State Uniform Fire Prevention and Building Code (Uniform Code)**

**I.D. No.** DOS-12-21-00010-P

PURSUANT TO THE PROVISIONS OF THE State Administrative Procedure Act, NOTICE is hereby given of the following proposed rule:

**Proposed Action:** Amendment of section 1219.1; addition of Part 1228 to Title 19 NYCRR.

**Statutory authority:** Executive Law, section 377

**Subject:** New York State Uniform Fire Prevention and Building Code (Uniform Code).

**Purpose:** To amend the existing Uniform Code to add specific provisions applicable to rail stations.

**Public hearing(s) will be held at:** 10:00 a.m., May 27, 2021 at 99 Washington Ave., Room 505, Albany NY.

Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State's Division of Building Standards and Codes' website at <https://www.dos.ny.gov/DCEA/> at least fourteen (14) days prior to the public hearing.

**Interpreter Service:** Interpreter services will be made available to hearing impaired persons, at no charge, upon written request submitted within reasonable time prior to the scheduled public hearing. The written request must be addressed to the agency representative designated in the paragraph below.

**Accessibility:** All public hearings have been scheduled at places reasonably accessible to persons with a mobility impairment.

**Text of proposed rule:** 1. Section 1219.1 of Part 1219 of Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended to read as follows:

**Section 1219.1 Uniform Fire Prevention and Building Code**

The New York State Uniform Fire Prevention and Building Code (the Uniform Code), adopted pursuant to article 18 of the Executive Law, includes Part 1220 (Residential Construction), Part 1221 (Building Construction), Part 1222 (Plumbing Systems), Part 1223 (Mechanical Systems), Part 1224 (Fuel Gas Equipment and Systems), Part 1225 (Fire Prevention), Part 1226 (Property Maintenance), [and] Part 1227 (Existing Buildings), and Part 1228 (Rail Stations) of this Title and the publications incorporated by reference into those Parts.

2. Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York is amended by adding a new Part 1228 to read as follows:

**PART 1228.**

**Rail stations.**

**Section 1228.1. Introduction and purpose.**

*This Part applies to "rail stations" (as that term is defined in section 1228.2 of this Part). The purpose of this Part is to modify, for the purpose of application to rail stations, certain provisions and requirements of "Parts 1220 to 1227" (as that term is defined in section 1228.2 of this Part) and to add certain additional provisions and requirements that shall apply to rail stations.*

**Section 1228.2. Definitions.**

(a) In this Part, the following terms shall have the following meanings:

(1) *Back of house locations.* The term "back of house locations" shall mean areas of a rail station that are intended for non-public occupancy and support the rail station and/or system operations.

(2) *Fixed guideway transit system.* The term "fixed guideway transit system" shall mean an electrified transportation system, utilizing a fixed guideway, operating on right-of-way for the mass movement of passengers within a metropolitan area, and consisting of its fixed guideways, transit vehicles, and other rolling stock; power systems; buildings; stations; and other stationary and movable apparatus, equipment, appurtenances, and structures.

(3) *Parts 1220 to 1227.* The term "Parts 1220 to 1227" shall mean Parts 1220 to 1227, inclusive, of this Title and the publications incorporated by reference in those Parts.

(4) *Passenger rail system.* The term "passenger rail system" shall mean a transportation system, utilizing a rail guideway, operating on right-of-way for the movement of passengers within and between metropolitan areas, and consisting of its rail guideways, passenger rail vehicles, and other rolling stock; power systems; buildings; stations; and other stationary and movable apparatus, equipment, appurtenances, and structures.

(5) *Public locations.* The term "public location" shall mean areas within a rail station intended for public occupancy.

(6) *Rail station.* The term "rail station" shall mean a building or structure, or portion thereof, that is utilized for the boarding and/or disembarking of passengers from train equipment, including passenger rail and fixed guideway transit systems, and ancillary spaces to such activities. This includes public locations, back of house locations, and trainways within the bounds of the building or structure. This shall not include shelter stops.

(7) *Shelter stop.* The term "shelter stop" shall mean a location along a fixed guideway transit or passenger rail system for the loading and unloading of passengers that is located in a public way and is designed for unrestricted movement of passengers. A shelter stop can have a cover but no walls or barriers that would restrict passenger movement.

(8) *Trainway.* The term "trainway" shall mean that portion of the system in which the vehicles operate.

(9) *Uniform Code Provisions for Rail Stations.* The term "Uniform Code Provisions for Rail Stations" shall mean the publication entitled "Uniform Code Provisions for Rail Stations" (publication date: March 2021) published by the New York State Department of State.

**Section 1228.3. Provisions and requirements applicable to rail stations.**

(a) *General.* Rail stations shall comply with all applicable provisions and requirements of Parts 1220 to 1227, as modified, where applicable, by the Uniform Code Provisions for Rail Stations, and with the additional provisions and requirements set forth in the Uniform Code Provisions for Rail Stations.

(b) *Incorporation by reference.* The Uniform Code Provisions for Rail Stations is incorporated herein by reference. Copies of the Uniform Code Provisions for Rail Stations may be obtained from the publisher and is available for public inspection and copying at the following address:

New York State Department of State  
One Commerce Plaza, 99 Washington Avenue  
Albany, NY 12231-0001.

(c) *Referenced standards.* The following referenced standard published by the National Fire Protection Association is incorporated hereby by reference: *Standard for Fixed Guideway Transit and Passenger Rail Systems, 2020 edition, publication date 2019 (NFPA 130).*

Copies of said publication may be obtained from the publisher at the following address:

National Fire Protection Association  
One Batterymarch Park  
Quincy, MA 02169-7471

Copies of said publication are available for public inspection and copying at the Office of the New York State Department of State located at One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231-0001.

**Text of proposed rule and any required statements and analyses may be obtained from:** Chad Sievers, Department of State, 99 Washington Avenue, Suite 1160, Albany, NY 12231, (518) 728-4905, email: code.development@dos.ny.gov

**Data, views or arguments may be submitted to:** Same as above.

**Public comment will be received until:** Five days after the last scheduled public hearing.

**Summary of Regulatory Impact Statement (Full text is posted at the following State website: <https://www.dos.ny.gov/DCEA/>):**

#### 1. STATUTORY AUTHORITY

Article 18 of the Executive Law (§ 370-383) establishes the State Fire Prevention and Building Code Council (hereinafter "Code Council") and authorizes such council to formulate a code to be known as the Uniform Fire Prevention and Building Code (hereinafter "Uniform Code"). The statutory authority for this rule is Executive Law § 377(1), which authorizes the Code Council to formulate the Uniform Code and, from time to time, to amend particular provisions of the Uniform Code.

This proposed rule would amend the Uniform Code by amending Part 1219 and adding a new Part 1228 to Title 19 of the New York Codes, Rules and Regulations, which would contain specific provisions in relation to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of rail stations. This proposed rule would incorporate by reference a publication entitled "Uniform Code Provisions for Rail Stations" published by the Department of State and the 2020 edition of the reference standard NFPA 130, "Standard for Fixed Guideway Transit and Passenger Rail Systems" published by the National Fire Protection Association (NFPA). The proposed rule and the publications to be incorporated by reference within the proposed rule would update the Uniform Code to adequately address the unique nature and design of rail stations in the State.

#### 2. LEGISLATIVE OBJECTIVES

Executive Law § 371(2) provides that it is the public policy of the State of New York to provide for the promulgation of a Uniform Code addressing building construction and fire prevention in order to provide a basic minimum level of protection to all people of the State from hazards of fire and inadequate building construction. Executive Law § 371(2) further provides that in providing for such Uniform Code, it is the policy of this State to reconcile the myriad of existing and potentially conflicting regulations which apply to different types of buildings and occupancies; to place public and private buildings on an equal plane with respect to fire prevention and adequacy of building construction; to require new and existing buildings alike to keep pace with advances in technology concerning fire prevention and building construction, and to provide protection to both residential and non-residential buildings.

The Legislative objectives sought to be achieved by this proposed rule would be to provide an enhanced level of protection to the people of this State from the hazards of fire and inadequate building construction and to require buildings in this State to keep pace with advances in technology concerning fire prevention and building construction. These objectives will be achieved by adding new provisions to the Uniform Code that will provide specific provisions and requirements that shall apply to rail stations given the unique nature and design of rail stations in the State.

#### 3. NEEDS AND BENEFITS

The purpose of this rule making is to amend the Uniform Code to include certain specific provisions and requirements that shall apply to rail stations. This proposed rule would define the term "rail station" as "a building or structure, or portion thereof, that is utilized for the boarding and/or disembarking of passengers from train equipment, including passenger rail and fixed guideway transit systems, and ancillary spaces to such activities. This includes public locations, back of house locations, and trainways within the bounds of the building or structure. This shall not include shelter stops."

NFPA 130 is published by the National Fire Protection Association, who is globally recognized for developing standards related to fire, electrical, and related hazards, and is the recognized standard for fixed guideway

transit and passenger rail design. It addresses the uniqueness of rail stations by providing for the safety of rail station occupants through design requirements including specific provisions for fire alarm and sprinkler systems, standpipe systems, fire separation and fire rated construction, smoke control systems, and emergency communication and evacuation.

Although the Uniform Code recognizes underground buildings require special consideration, rail stations on fixed guideway transit systems would be exempt from the typical underground buildings provisions, leaving rail stations without the necessary specific provisions to address their unique nature. This has historically resulted in numerous variance applications to the Department of State Boards of Review through the process established under 19 NYCRR Part 1205 Uniform Code: Variance Procedures. Generally, any Board of Review variance decisions and mitigating criteria related to rail stations has historically relied heavily on the use of various parts of NFPA 130 to address the complications over the direct application of the current Uniform Code to new rail stations, and specific challenges for providing accessible entrances, fire safety improvements, and construction limitations within existing rail stations. Therefore, the proposed rule would incorporate by reference NFPA 130, and also make the necessary modifications, including the typical mitigating criteria as applicable, from past Board of Review decisions.

Given the unique nature and design of rail stations as defined by the rule, it is anticipated that a very small percentage of municipalities will actually be impacted by this proposed rule. The majority of rail stations in the State are currently in the custody of State construction-permitting agencies (see 19 NYCRR Part 1204) such as the Metropolitan Transportation Authority (MTA) or its affiliated agencies, with several other entities such as the Niagara Frontier Transportation Authority, Capital District Transportation Authority, the National Railroad Passenger Corporation (commonly known as "Amtrak", a federal agency not regulated by the Uniform Code), and some private operators operating rail systems. As defined within the rule, the provisions only apply to rail stations serving passengers on fixed guideway transit and passenger rail systems, which by definition are for the movement of passengers within and between metropolitan areas.

#### 4. COST

##### a. COST TO REGULATED PARTIES FOR THE IMPLEMENTATION OF, AND CONTINUING COMPLIANCE, WITH THE PROPOSED RULE

Regulated parties are not expected to bear any additional net costs relating to the construction, operation, or maintenance of rail stations in comparison to the existing provisions contained within the Uniform Code. These regulated parties are limited in nature to those that operate rail stations as defined in the proposed rule. They would include those rail stations that are in the custody of a private corporation, a local government, a State Agency, or a regional transportation authority. Those designing and constructing rail stations will likewise realize savings for not having to utilize the variance process when designing and constructing these unique buildings, as noted below relating to the example of the impact to MTA, who has custody of the majority of the buildings impacted by this proposed rule.

In comparing the additional costs and the cost savings of utilizing the incorporated reference standard's requirements, the increased emphasis on a performance-based type of design allows regulated parties more flexibility in providing adequate safeguards, rather than prescriptive measurements that are small, when compared to the dimensions of most new rail stations. This flexibility allows for more cost savings to be realized by regulated parties as a rail station design becomes more complex and is being designed in existing urban areas. Additionally, due to the absence of any requirements for fixed guideway transit systems in the Uniform Code for underground buildings, additional overall costs are not expected since NFPA 130 has generally been the best practice document that is followed due to the absence of specific requirements currently in the Uniform Code.

Further information concerning costs and savings are discussed within Item #4 of the full Regulatory Impact Statement.

##### b. COST TO THE AGENCY, THE STATE AND LOCAL GOVERNMENTS FOR THE IMPLEMENTATION OF, AND CONTINUED ADMINISTRATION OF, THE RULE

Given the specific definition of rail stations as provided for in the rule, the limited number of locations where buildings meeting the definition would be located, and the limited entities that would have custody of those buildings, it is anticipated that a very small percentage of municipalities will actually be impacted by this proposed rule. As noted, the majority of rail stations in the State are currently in the custody of the MTA, who the Division worked closely with in the development of this rule. The Department of State's Division of Building Standards and Codes, in addition to staff from MTA, will provide any necessary training, guidance documents, or technical support to the enforcement community on the application of this rule, at no cost to the code enforcement community.

Local governments and State agencies can obtain a copy of 19 NYCRR

Part 1228 and the publication entitled "Uniform Code Provisions for Rail Stations" on the Department of State's website at no cost. A copy of NFPA 130 "Standard for Fixed Guideway Transit and Passenger Rail System, 2020 Edition" can be viewed for free online or purchased in a digital or paper format for less than \$70 on NFPA's website at [www.nfpa.org](http://www.nfpa.org).

#### 5. LOCAL GOVERNMENT MANDATES

This proposed rule will not impose any new program, service, duty, or responsibility upon any county, city, town, village, school district, fire district, or another special district.

#### 6. PAPERWORK

This rule will not impose any additional reporting or record keeping requirements. No additional paperwork is anticipated. The Department anticipates there will be a reduction in paperwork related to the elimination of the necessity for variances for rail stations. This reduction would be realized by both the applicants for variances, the Department of State as the secretariat to the Boards of Review, and the authorities having jurisdiction over the projects.

#### 7. DUPLICATION

The proposed rule does not duplicate any existing Federal or State requirement.

#### 8. ALTERNATIVES

Several alternatives to the adoption of the Uniform Code Provisions for Rail Stations were considered such as (1) to attempt to construct in accordance with the current version of the Uniform Code without the application of variances to projects; (2) the direct adoption of NFPA 130 without modifications proposed within the Uniform Code Provisions for Rail Stations publication, (3) to remove the exception to "fixed guideway transit systems" within Section 405 of the 2020 Building Code of New York State, regarding underground buildings; and (4) to utilize the 2020 Fire Code of New York State in its entirety without the provisions of the Uniform Code Provisions for Rail Stations publication. However, these alternatives were rejected for the reasons more fully set forth in Item #8 of the full Regulatory Impact Statement.

#### 9. FEDERAL STANDARDS

There are no standards of the Federal Government that address the subject matter of the proposed rule.

#### 10. COMPLIANCE SCHEDULE

The Department of State (DOS) and MTA notified the "regulated parties" (i.e., cities, towns, villages, counties, and State agencies that administer and enforce the Uniform Code and known entities who operate rail systems) of its intent to develop and propose this rule by means of a notice that was posted on the DOS website and contained in Building New York, an e-bulletin sent by DOS to local governments and other persons and entities interested in the construction industry. The notice was posted, and issued in the Building New York e-bulletin, prior to the filing of the Notice of Proposed Rule Making for this rule. Additionally, DOS worked closely with MTA, the agency with custody over the majority of the buildings impacted by this rule, in the development of the rule. MTA has performed outreach in the development of this rule making to the City of New York, State Agencies that would potentially be impacted by this rulemaking, and local governments where existing rail stations are currently located.

The target date for publishing a notice of adoption for this rule making is July 1, 2021. The Department anticipates that the rule will become effective ninety (90) days after the date such notice of adoption is published in the State Register, but the Department will recommend that the Code Council find that in the period during which changes to the code have been adopted but are not yet effective, a person shall have the option of complying with either the provisions of the code as changed or with the code provisions as they were set forth immediately prior to the change pursuant to Executive Law § 378(18)(b).

#### Regulatory Flexibility Analysis

##### 1. EFFECT OF RULE:

This rule amends provisions in the Uniform Fire Prevention and Building Code ("Uniform Code") by amending Part 1219 and adding a new Part 1228 to Title 19 of the New York Codes, Rules and Regulations, which would contain specific provisions in relation to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of rail stations. The proposed rule would incorporate by reference the publication entitled "Uniform Code Provisions for Rail Stations" published by the Department of State and the reference standard NFPA 130 "Standard for Fixed Guideway Transit and Passenger Rail System" published by the National Fire Protection Association (NFPA). The proposed rule and the publications to be incorporated by reference within the proposed rule would update the Uniform Code to adequately address the unique nature and design of rail stations in the State. The Uniform Code is applicable in all areas of the State with the exception of the City of New York.

Given the specific definition of rail stations as provided for in the rule, the limited number of locations where buildings meeting the definition

would be located, and the limited entities that would have custody of those buildings, it is anticipated that a very small percentage of municipalities will actually be impacted by this proposed rule. The majority of rail stations in the State are currently in the custody of State construction-permitting agencies (see 19 NYCRR Part 1204) such as the Metropolitan Transportation Authority (MTA) or its affiliated agencies, with several other entities such as the Niagara Frontier Transportation Authority, Capital District Transportation Authority, the National Railroad Passenger Corporation (commonly known as "Amtrak," a federal agency not regulated by the Uniform Code), and some private operators operating rail systems. As defined within the rule, the provisions only apply to rail stations serving passengers on fixed guideway transit and passenger rail systems, which by definition are for the movement of passengers within and between metropolitan areas. This would mean the provisions do not apply to systems utilized specifically for other uses such as systems used for tourist, scenic, historic, or excursion operations; conventional freight systems; or circus trains; thereby further narrowing the number of buildings and systems impacted by this rule. Stations not meeting the specific definition for "rail station" generally do not contain the same unique hazards and would therefore be able to comply with all other provisions of the Uniform Code. This aligns with the scope of NFPA 130 which specifically states that the standard does not cover requirements for those other types of rail systems.

Therefore, this proposed rule would have minimal, if any, impact on cities, towns, and villages of the State and small businesses.

##### 2. COMPLIANCE REQUIREMENTS:

No reporting or record keeping requirements are imposed upon regulated parties by the rule.

##### 3. PROFESSIONAL SERVICES:

Building owners typically rely on professionals for their expertise in building regulations with respect to design, construction, and operation and maintenance of buildings. The need for professionals for local governments or small businesses is consistent throughout the State.

##### 4. COMPLIANCE COSTS:

As set forth above, the provisions only apply to rail stations serving passengers on fixed guideway transit and passenger rail systems, which by definition are for the movement of passengers within and between metropolitan areas. Accordingly, this proposed rule would have minimal, if any, cost for cities, towns, and villages of the State and small businesses.

The Department of State's Division of Building Standards and Codes, in addition to staff from MTA, will provide any necessary training, guidance documents, or technical support to the enforcement community on the application of this rule, at no cost to the code enforcement community. However, code enforcement personnel employed by the cities, towns, villages, and counties that are required to administer and enforce the Uniform Code will have no additional cost to enforce these requirements in the limited amounts that rail stations will be constructed or rehabilitated by non-State Agency entities. With respect to the City of New York, where a majority of the impacted buildings are located, there are no additional costs to the City of New York since the MTA agencies and affiliates within their jurisdiction are all construction-permitting agencies administering the Uniform Code with respect to MTA agency and affiliate projects. The rule does not change any requirements regarding the custody or responsibilities between local governments, including the City of New York, and State Agencies.

Local governments and State agencies can obtain a copy of 19 NYCRR Part 1228 and the publication entitled "Uniform Code Provisions for Rail Stations" on the Department of State's website at no cost. A copy of NFPA 130 "Standard for Fixed Guideway Transit and Passenger Rail System, 2020 Edition" can be viewed for free online or purchased in a digital or paper format for less than \$70 on NFPA's website at [www.nfpa.org](http://www.nfpa.org).

Further information regarding costs and savings associated with this proposed rule on regulated parties that design and construct rail stations, as defined by this proposed rule, are discussed within Item #4 of the full Regulatory Impact Statement.

##### 5. ECONOMIC AND TECHNOLOGICAL FEASIBILITY:

It is economically and technologically feasible for regulated parties to comply with the rule. This rule imposes no substantial capital expenditures. No new technology need be developed for compliance with this rule.

##### 6. MINIMIZING ADVERSE IMPACT:

The economic impact of this rule on small businesses and local governments will be no greater than the economic impact of this rule on other regulated parties, and the ability of small businesses and local governments to comply with the requirements of this rule should be no less than the ability of other regulated parties to comply.

##### 7. SMALL BUSINESS AND LOCAL GOVERNMENT PARTICIPATION:

The Department of State notified interested parties throughout the State of proposed text of this rule by posting a notice on the Department's website, and publishing a notice in Building New York, an electronic news

bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals, and others involved in all aspects of the construction industry in all areas of the State, including local governments and small businesses. Additionally, the Department of State worked closely with MTA, the agency with custody over the majority of the buildings impacted by this rule, in the development of the rule. MTA has performed outreach in the development of this rule making to the City of New York, State Agencies that would potentially be impacted by this rulemaking, and local governments where existing rail stations are currently located.

#### **Rural Area Flexibility Analysis**

##### **1. TYPES AND ESTIMATED NUMBERS OF RURAL AREAS.**

This proposed rule would amend provisions in the Uniform Fire Prevention and Building Code (“Uniform Code”) by amending Part 1219 and adding a new Part 1228 to Title 19 of the New York Codes, Rules and Regulations, which would contain specific provisions in relation to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of rail stations. By amending Part 1219 and adding a new Part 1228 of Title 19 of the NYCRR, the proposed rule would incorporate by reference the publication entitled “Uniform Code Provisions for Rail Stations” published by the Department of State and the reference standard NFPA 130 “Standard for Fixed Guideway Transit and Passenger Rail System” published by the National Fire Protection Association (NFPA). The proposed rule and the publications to be incorporated by reference within the proposed rule would update the Uniform Code to adequately address the unique nature and design of rail stations in the State. Since the Uniform Code applies in all areas of the State (with the exception of New York City), this rule will apply in all rural areas of the State.

Given the specific definition of rail stations as provided for in the rule, the limited number of locations where buildings meeting the definition would be located, and the limited entities that would have custody of those buildings, it is anticipated that a very small percentage of municipalities will actually be impacted by this proposed rule. The majority of rail stations in the State are currently in the custody of State construction-permitting agencies (see 19 NYCRR Part 1204) such as the Metropolitan Transportation Authority (MTA) or its affiliated agencies, with several other entities such as the Niagara Frontier Transportation Authority, Capital District Transportation Authority, the National Railroad Passenger Corporation (commonly known as “Amtrak,” a federal agency not regulated by the Uniform Code), and some private operators operating rail systems. As defined within the rule, the provisions only apply to rail stations serving passengers on fixed guideway transit and passenger rail systems, which by definition are for the movement of passengers within and between metropolitan areas. This would mean the provisions do not apply to systems utilized specifically for other uses such as systems used for tourist, scenic, historic, or excursion operations; conventional freight systems; or circus trains; thereby further narrowing the number of buildings and systems impacted by this rule. Stations not meeting the specific definition for “rail station” generally do not contain the same unique hazards and would therefore be able to comply with all other provisions of the Uniform Code. This aligns with the scope of NFPA 130 which specifically states that the standard does not cover requirements for those other types of rail systems.

##### **2. REPORTING, RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS; AND PROFESSIONAL SERVICES.**

The rule will not impose any reporting or recordkeeping requirements in rural areas or elsewhere in New York. This rule making will amend the Uniform Code to include certain additional provisions and requirements applicable to rail stations. Building owners typically rely on professionals for their expertise in building regulations with respect to design, construction, and operation and maintenance of buildings. The need for professionals in rural areas does not differ from such need in non-rural areas.

##### **3. COMPLIANCE COSTS.**

As set forth above, the provisions only apply to rail stations serving passengers on fixed guideway transit and passenger rail systems, which by definition are for the movement of passengers within and between metropolitan areas. Accordingly, it is not anticipated that rural areas will have any cost impact associated with this proposed rule.

Local governments and State agencies can obtain a copy of 19 NYCRR Part 1228 and the publication entitled “Uniform Code Provisions for Rail Stations” on the Department of State’s website at no cost. A copy of NFPA 130 “Standard for Fixed Guideway Transit and Passenger Rail System, 2020 Edition” can be viewed for free online or purchased in a digital or paper format for less than \$70 on NFPA’s website at [www.nfpa.org](http://www.nfpa.org). Further information regarding costs and savings associated with this proposed rule on regulated parties that design and construct rail stations, as defined by this proposed rule, are discussed within Item #4 of the full Regulatory Impact Statement.

##### **4. MINIMIZING ADVERSE IMPACT.**

The economic impact of this rule in rural areas will be no greater than the economic impact of this rule in non rural areas, and the ability of individuals or public or private entities located in rural areas to comply with the requirements of this rule should be no less than the ability of individuals or public or private entities located in non-rural areas.

##### **5. RURAL AREA PARTICIPATION.**

The Department of State notified interested parties throughout the State of proposed text of this rule by posting a notice on the Department’s website, and publishing a notice in Building New York, an electronic news bulletin covering topics related to the Uniform Code and the construction industry which is prepared by the Department of State and which is currently distributed to approximately 10,000 subscribers, including local governments, design professionals, and others involved in all aspects of the construction industry in all areas of the State, including rural areas. Additionally, DOS worked closely with MTA, the agency with custody over the majority of the buildings impacted by this rule, in the development of the rule. MTA has performed outreach in the development of this rule making to the City of New York, State Agencies that would potentially be impacted by this rulemaking, and local governments where existing rail stations are currently located.

#### **Job Impact Statement**

The Department of State has determined that it is apparent from the nature and purpose of the proposed rule making that it will not have a substantial adverse impact on jobs and employment opportunities.

This proposed rule would amend the current version of the Uniform Fire Prevention and Building Code (Uniform Code) by amending Part 1219 and adding a new Part 1228 to Title 19 of the New York Codes, Rules and Regulations, which would contain specific provisions in relation to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of rail stations. The proposed rule would incorporate by reference the publication entitled “Uniform Code Provisions for Rail Stations” published by the Department of State and the reference standard NFPA 130 “Standard for Fixed Guideway Transit and Passenger Rail System” published by the National Fire Protection Association. The proposed rule and the publications to be incorporated by reference within the proposed rule would update the Uniform Code to adequately address the unique nature and design of rail stations in the State.

As a consequence, the Department of State concludes that this rule will not have a substantial adverse impact on jobs and employment opportunities, but it is anticipated that this rule may have a positive impact on jobs and employment opportunities in New York State.

**HEARINGS SCHEDULED  
FOR PROPOSED RULE MAKINGS**

Agency I.D. No.	Subject Matter	Location—Date—Time
<b>Environmental Conservation, Department of</b>		
ENV-04-21-00007-P .....	Chlorpyrifos Prohibition	Electronic webinar—March 30, 2021, 6:00 p.m. Instructions on how to “join” the hearing webinar and how to provide an oral statement may be accessed at the proposed regulations webpage for Part 326, available at: <a href="https://www.dec.ny.gov/chemical/121988.html">https://www.dec.ny.gov/chemical/121988.html</a> . Instructions will also be available on the Department’s events calendar at: <a href="https://www.dec.ny.gov/calendar/">https://www.dec.ny.gov/calendar/</a> Persons who wish to receive the instructions by mail or telephone may call DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 326 public comment hearing. Interpreter services for hearing impaired persons or persons with limited English proficiency will be provided at no charge upon written request submitted no later than March 16, 2021. The written request must be addressed to ALJ Sherman, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Sherman at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a> .
ENV-04-21-00008-P .....	Food Donation and Food Scraps Recycling	Electronic webinar—April 7, 2021, 1:00 p.m. and 6:00 p.m. Instructions on how to “join” the hearing webinar and how to provide an oral statement may be accessed at the proposed regulations webpage for the Department, available at: <a href="https://www.dec.ny.gov/regulations/propregulations.html#public">https://www.dec.ny.gov/regulations/propregulations.html#public</a> . Instructions will also be available on the Department’s events calendar at: <a href="https://www.dec.ny.gov/calendar/">https://www.dec.ny.gov/calendar/</a> Persons who wish to receive the instructions by mail or telephone may call DEC at (518) 402-9003. Please provide your first and last name, address, and telephone number and reference the Part 350 public comment hearing. Interpreter services for hearing impaired persons or persons with limited English proficiency will be provided at no charge upon written request submitted no later than March 24, 2021. The written request must be addressed to ALJ Caruso, NYS DEC Office of Hearings and Mediation Services, 625 Broadway, 1st Floor, Albany, NY 12233-1550 or emailed to ALJ Caruso at <a href="mailto:ohms@dec.ny.gov">ohms@dec.ny.gov</a> .
<b>Liquor Authority, State</b>		
LQR-12-21-00005-P .....	Minimum Curriculum Requirements for ATAP Schools	163 W. 125th St. New York, NY—June 9, 2021, 10:00 a.m.

**Public Service Commission**

PSC-02-21-00006-P ..... Disposition of a Sales Tax Refund Received by New York American Water, Inc. The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 20-W-0654—April 19, 2021, 10:00 a.m. (Evidentiary Hearing)\*

\*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 20-W-0654.

PSC-06-21-00009-P ..... Disposition of a Property Tax Refund Received by New York American Water, Inc. The Public Hearing will be held online and by telephone. Details for access will be published via Notice at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 21-W-0060—April 19, 2021, 10:00 a.m.\*

\*On occasion, there are requests to reschedule or postpone hearing dates. If such a request is granted, notification of any subsequent scheduling changes will be available at the DPS website ([www.dps.ny.gov](http://www.dps.ny.gov)) under Case 21-W-0060.

**State, Department of**

DOS-12-21-00010-P ..... New York State Uniform Fire Prevention and Building Code (Uniform Code) 99 Washington Ave., Room 505, Albany NY—May 27, 2021, 10:00 a.m.

Due to the ongoing pandemic, the public hearing scheduled to accept public comments may be held virtually only. Instructions for attendance online or by phone will be provided on the Department of State’s Division of Building Standards and Codes’ website at <https://www.dos.ny.gov/DCEA/> at least fourteen (14) days prior to the public hearing.

**ACTION PENDING INDEX**

The action pending index is a list of all proposed rules which are currently being considered for adoption. A proposed rule is added to the index when the notice of proposed rule making is first published in the *Register*. A proposed rule is removed from the index when any of the following occur: (1) the proposal is adopted as a permanent rule; (2) the proposal is rejected and withdrawn from consideration; or (3) the proposal's notice expires.

Most notices expire in approximately 12 months if the agency does not adopt or reject the proposal within that time. The expiration date is printed in the second column of the action pending index. Some notices, however, never expire. Those notices are identified by the word "exempt" in the second column. Actions pending for one year or more are preceded by an asterisk(\*).

For additional information concerning any of the proposals

listed in the action pending index, use the identification number to locate the text of the original notice of proposed rule making. The identification number contains a code which identifies the agency, the issue of the *Register* in which the notice was printed, the year in which the notice was printed and the notice's serial number. The following diagram shows how to read identification number codes.

Agency code	Issue number	Year published	Serial number	Action Code
<b>AAM</b>	<b>01</b>	<b>12</b>	<b>00001</b>	<b>P</b>

Action codes: P — proposed rule making; EP — emergency and proposed rule making (expiration date refers to proposed rule); RP — revised rule making

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
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**AGRICULTURE AND MARKETS, DEPARTMENT OF**

AAM-12-20-00006-P	..... 04/29/21	Calibrating and testing of certain weights and measures standards and devices.	To allow the Dept. to increase the fees it charges in calibrating and testing certain weights & measures standards and devices.
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**ALCOHOLISM AND SUBSTANCE ABUSE SERVICES, OFFICE OF**

ASA-28-20-00013-P	..... 07/15/21	Patient Rights	To set-forth the minimum regulatory requirements for patient rights in OASAS certified, funded or otherwise authorized programs
ASA-28-20-00016-P	..... 07/15/21	Designated Services	To set-forth the minimum regulatory requirements for certified programs to seek an Office designation

**CHILDREN AND FAMILY SERVICES, OFFICE OF**

*CFS-46-19-00002-RP	..... 04/29/21	Behavioral health services, elimination of room isolation and authority to operate de-escalation rooms	To implement standards for behavioral health services and the operation of de-escalation rooms and to eliminate room isolation
*CFS-04-20-00009-P	..... 04/29/21	Host Family Homes	The proposed regulations would establish standards for the approval and administration of host family homes.
CFS-49-20-00006-EP	..... 12/09/21	Maintenance reimbursement for residential CSE programs when a student has been absent from the program for more than 15 days.	Remove an existing regulatory barrier that precludes maintenance reimbursement for residential CSE programs.
CFS-51-20-00003-P	..... 12/23/21	Outlining the procedures for requesting and conducting criminal history disqualification reviews	Outlining the procedures for requesting and conducting criminal history disqualification reviews
CFS-03-21-00004-P	..... 01/20/22	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons	Implement rules re: release of original birth certificate or related identifying info. to adult adopted & other specific persons

## Action Pending Index

NYS Register/March 24, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
*CVS-03-20-00003-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-03-20-00004-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-03-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-03-20-00006-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-03-20-00007-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class
*CVS-06-20-00001-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
*CVS-06-20-00002-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
*CVS-06-20-00003-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00004-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
*CVS-06-20-00005-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
*CVS-06-20-00006-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
*CVS-06-20-00007-P	04/29/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class and to delete positions from the non-competitive class
*CVS-06-20-00008-P	04/29/21	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-13-20-00002-P	04/29/21	Supplemental military leave benefits	To extend the availability of supplemental military leave benefits for certain New York State employees until December 31, 2020
CVS-13-20-00009-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00010-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00011-P	04/29/21	Jurisdictional Classification	To delete positions from the exempt class
CVS-13-20-00012-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00013-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00014-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-13-20-00015-P	04/29/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-13-20-00016-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00017-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00018-P	04/29/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-13-20-00019-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-13-20-00020-P	04/29/21	Jurisdictional Classification	To delete positions in the non-competitive class
CVS-13-20-00021-P	04/29/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-13-20-00022-P	04/29/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-13-20-00023-P	04/29/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-13-20-00024-P	04/29/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes.
CVS-13-20-00025-P	04/29/21	Jurisdictional Classification	To delete a position from and classify positions in the non-competitive class
CVS-18-20-00004-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00005-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00006-P	05/06/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-18-20-00007-P	05/06/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-18-20-00008-P	05/06/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-18-20-00009-P	05/06/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-18-20-00010-P	05/06/21	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-24-20-00002-P	06/17/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-24-20-00003-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00004-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00005-P	06/17/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-24-20-00006-P	06/17/21	Jurisdictional Classification	To classify positions in the exempt class

## Action Pending Index

NYS Register/March 24, 2021

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-24-20-00007-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00008-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00009-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-24-20-00010-P	06/17/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-28-20-00004-P	07/15/21	Jurisdictional Classification	To classify positions in the exempt class
CVS-28-20-00005-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00006-P	07/15/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-28-20-00007-P	07/15/21	Jurisdictional Classification	To delete a position from the exempt class
CVS-28-20-00008-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00009-P	07/15/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-28-20-00010-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class.
CVS-28-20-00011-P	07/15/21	Jurisdictional Classification	To delete positions from and classify positions in the non-competitive class
CVS-28-20-00012-P	07/15/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-32-20-00003-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00004-P	08/12/21	Jurisdictional Classification	To classify positions in the exempt and the non-competitive classes
CVS-32-20-00005-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-32-20-00006-P	08/12/21	Jurisdictional Classification	To classify a position in the exempt class
CVS-41-20-00002-P	10/14/21	Jurisdictional Classification	To delete positions from and to classify a subheading and positions in the exempt class
CVS-41-20-00003-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00004-P	10/14/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-41-20-00005-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-41-20-00006-P	10/14/21	Jurisdictional Classification	To delete a position from and classify a position in the exempt class

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CIVIL SERVICE, DEPARTMENT OF</b>			
CVS-41-20-00007-P	10/14/21	Jurisdictional Classification	To classify positions in the non-competitive class
CVS-49-20-00002-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-49-20-00003-P	12/09/21	Jurisdictional Classification	To delete positions from and classify positions in the exempt class.
CVS-49-20-00004-P	12/09/21	Jurisdictional Classification	To classify positions in the exempt class.
CVS-49-20-00005-P	12/09/21	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-02-21-00001-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00002-P	01/13/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-02-21-00003-P	01/13/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-06-21-00001-P	02/10/22	Jurisdictional Classification	To delete positions from and classify positions in the exempt class and to classify positions in the non-competitive class
CVS-06-21-00002-P	02/10/22	Jurisdictional Classification	To classify positions in the exempt class
CVS-06-21-00003-P	02/10/22	Jurisdictional Classification	To delete a position from and classify a position in the exempt class
CVS-06-21-00004-P	02/10/22	Jurisdictional Classification	To delete positions from the non-competitive class
CVS-06-21-00005-P	02/10/22	Jurisdictional Classification	To classify a position in the non-competitive class
CVS-10-21-00001-P	03/10/22	Jurisdictional Classification	To delete a subheading and positions from and to classify a subheading and positions in the exempt and non-competitive classes
CVS-10-21-00002-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class and to classify a position from the non-competitive class
CVS-10-21-00003-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00004-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class
CVS-10-21-00005-P	03/10/22	Jurisdictional Classification	To classify a position in the exempt class

**COMMISSIONER OF PILOTS, BOARD OF**

COP-12-21-00001-P	03/24/22	Updating the current website address; changing terminology regarding credentials and; changing age range for acceptance	To provide current information and allow for a more practical admission procedure reflecting modern reality
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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>CORRECTION, STATE COMMISSION OF</b>			
CMC-04-21-00002-P	01/27/22	Ratio of toilet, sink, shower per youth in Specialized Secured Detention Facility for Older Youth	Amend the ratio of toilet, sink, and shower to coincide with Office of Children and Family Services regulations
<b>CORRECTIONS AND COMMUNITY SUPERVISION, DEPARTMENT OF</b>			
CCS-34-20-00001-P	08/26/21	Family Reunion Program	To clarify for logic and consistency, and make additional changes to the current Family Reunion Program
<b>CRIMINAL JUSTICE SERVICES, DIVISION OF</b>			
*CJS-30-19-00010-ERP	04/29/21	Use of Force	Set forth use of force reporting and recordkeeping procedures
CJS-44-20-00002-P	11/04/21	Intake for Article 7 (PINS)	Update existing Rule to reflect services which will be performed by Probation departments
CJS-03-21-00005-P	01/20/22	Familial Search Policy and Unidentified Human Remains	Add unidentified human remains to familial searching for identification where the remains are those of a victim of a crime
<b>ECONOMIC DEVELOPMENT, DEPARTMENT OF</b>			
EDV-48-20-00001-P	12/02/21	Employee Training Incentive Program	To update the administrative processes for the ETIP program
<b>EDUCATION DEPARTMENT</b>			
*EDU-17-19-00008-P	04/29/21	To require study in language acquisition and literacy development of English language learners in certain teacher preparation	To ensure that newly certified teachers enter the workforce fully prepared to serve our ELL population
*EDU-27-19-00010-P	04/29/21	Substantially Equivalent Instruction for Nonpublic School Students	Provide guidance to local school authorities to assist them in fulfilling their responsibilities under the Compulsory Ed Law
*EDU-11-20-00013-RP	04/29/21	Special Education Impartial Hearing Officers and the Special Education Due Process System Procedures	To address volume of special education due process complaints in the New York City due process system
EDU-20-20-00008-ERP	05/20/21	Addressing the COVID-19 Crisis	To provide flexibility for certain regulatory requirements in response to the COVID-19 crisis
EDU-30-20-00005-RP	07/29/21	Creating a Safety Net for the School Building Leader Assessment	To create a safety net for the School Building Leader Assessment
EDU-48-20-00003-P	12/02/21	Regional Bibliographic Data Bases and Interlibrary Resources Sharing Program	Update and clarify certain terminology related to the use of technology in libraries and to reflect new technologies.
EDU-52-20-00018-EP	12/30/21	Addressing the COVID-19 crisis	To address issues resulting from the COVID-19 crisis and to provide regulatory flexibility due to the COVID-19 crisis
EDU-52-20-00019-P	12/30/21	Requirements for Awarding the NYS Seal of Biliteracy	To update the requirements for awarding the NYS Seal of Biliteracy

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>EDUCATION DEPARTMENT</b>			
EDU-52-20-00020-P	12/30/21	Content Core Requirement in Computer Science Teacher Preparation Programs	To make the content core requirement for the Computer Science certificate aligned with the NYS Computer Science Standards
EDU-52-20-00021-P	12/30/21	Conferral of the Degree of Doctor of Medicine (M.D.) by the Board of Regents	To conform the law with the statutory requirements for issuance of an M.D. to foreign-educated applicants
EDU-52-20-00022-P	12/30/21	Implementation of the Crown Act	To implement Chapter 95 of the Laws of 2019, known as the Crown Act
EDU-52-20-00023-EP	12/30/21	Instruction to prevent child sexual exploitation and child sexual abuse in grades K-8	Implementation of chapter 187 of the Laws of 2019
EDU-52-20-00024-P	12/30/21	Uniform Violent or Disruptive Incident Reporting (VADIR) System, Also Known as the School Safety and Educational Climate Report	Update the definitions of violent and disruptive incidents for purposes of the VADIR and update the School Violence Index
EDU-01-21-00002-EP	01/06/22	Addressing the COVID-19 crisis and planning for the reopening of schools	To provide regulatory flexibility due to the COVID-19 crisis and to plan for the reopening of schools
EDU-04-21-00009-EP	01/27/22	Designation of the Executive Deputy Commissioner as the Deputy Commissioner of Education as specified in Education Law § 101	To conform the Regents Rules to changes in the internal organization of the State Education Department
EDU-04-21-00010-P	01/27/22	The licensure of registered pharmacy technicians	To implement the provisions of Chapter 414 of the Laws of 2019 relating to the licensure of registered pharmacy technicians
EDU-08-21-00001-EP	02/24/22	Providing Flexibility Relating to Higher Education Regulatory Requirements in Response to the COVID-19 Crisis	To provide flexibility for certain higher education related regulatory requirements in response to the COVID-19 crisis
EDU-08-21-00002-P	02/24/22	The Definition of the Term "University"	To clarify and broaden the definition of the term "university"
<b>ELECTIONS, STATE BOARD OF</b>			
SBE-06-21-00015-EP	02/10/22	Related to establishing a cure process for absentee ballots	Establishes a cure process for absentee ballots
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-33-20-00005-P	08/19/21	Repeal of Section 485.1	To remove outdated and redundant references in the Department's regulations
ENV-47-20-00005-P	11/25/21	Sportfishing (freshwater) and associated activities	To revise and simplify sportfishing regulations and associated activities
ENV-01-21-00003-P	01/06/22	Regulations governing recreational fishing for striped bass	To require circle hooks when fishing recreationally for striped bass using bait
ENV-03-21-00010-P	03/23/22	Application of Site-Specific Criteria to Class I and Class SD Waters	Add site-specific criteria to Class I and SD waters to provide additional water quality protection of the existing best uses
ENV-04-21-00007-P	03/30/22	Chlorpyrifos prohibition	Prohibit distribution, sale, purchase, possession, or use of pesticides that contain the active ingredient chlorpyrifos

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>ENVIRONMENTAL CONSERVATION, DEPARTMENT OF</b>			
ENV-04-21-00008-P	04/07/22	Food Donation and Food Scraps Recycling	Required by Title 22 of Article 27, the rule increases food donation and the recycling of food scraps through composting
ENV-12-21-00004-P	03/24/22	Public use of Wildlife Management Areas, and areas with special regulations	To ensure that public use of WMAs and other sites does not interfere or conflict with intended purposes of those areas
<b>FINANCIAL SERVICES, DEPARTMENT OF</b>			
*DFS-17-16-00003-P	exempt	Plan of Conversion by Commercial Travelers Mutual Insurance Company	To convert a mutual accident and health insurance company to a stock accident and health insurance company
*DFS-25-18-00006-P	exempt	Plan of Conversion by Medical Liability Mutual Insurance Company	To convert a mutual property and casualty insurance company to a stock property and casualty insurance company
*DFS-43-19-00017-P	04/29/21	Independent Dispute Resolution for Emergency Services and Surprise Bills	To require notices and consumer disclosure information related to surprise bills and bills for emergency service to be provided
DFS-36-20-00007-P	09/09/21	Superintendent's Regulations: Information Subject to Confidential Treatment	Provide rules concerning publication or disclosure of information subject to confidential treatment
DFS-45-20-00007-P	11/10/21	Office of Pharmacy Benefits	To establish the Office of Pharmacy Benefits and rules for the Drug Accountability Board
DFS-49-20-00011-P	12/09/21	Credit for Reinsurance	To conform to covered agreements entered into between the US and EU and the US and UK, and implement NAIC models.
DFS-52-20-00001-P	12/30/21	Principle-Based Reserving	To prescribe minimum principle-based valuation standards
DFS-09-21-00010-P	03/03/22	Notice to Employees Concerning Termination of Group and Health Insurance Policies, etc.	To make technical changes; comport with statutes; update office addresses; correct citations; etc.
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-34-20-00009-P	08/26/21	Qualification time in harness racing	To improve harness pari-mutuel wagering and generate reasonable revenue for the support of government
SGC-50-20-00006-P	12/16/21	Participation in the management and operation of charitable games of chance	To maintain integrity and accountability in the management and operation of games of chance
SGC-50-20-00007-P	12/16/21	Contactless payment methods for chances in charitable gaming	To promote public health and support of organizations authorized to operate games of chance
SGC-09-21-00011-P	03/03/22	Restrictions on clenbuterol use in Thoroughbred racing	To improve integrity, health and safety of Thoroughbred horse racing
SGC-09-21-00012-P	03/03/22	Thresholds for controlled therapeutic medications in horse racing	To preserve the integrity of pari-mutuel racing while generating reasonable revenue for the support of government

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>GAMING COMMISSION, NEW YORK STATE</b>			
SGC-09-21-00013-P	03/03/22	Casino table game rules	To set forth the practices and procedures for the conduct and operation of table games
SGC-09-21-00014-P	03/03/22	Lasix administrations on race day	To enhance the safety and integrity of pari-mutuel racing
SGC-09-21-00015-P	03/03/22	Regulation of bingo	To conform bingo rules to current statutes, including allowing payment for bingo opportunity by check
<b>HEALTH, DEPARTMENT OF</b>			
*HLT-14-94-00006-P	exempt	Payment methodology for HIV/AIDS outpatient services	To expand the current payment to incorporate pricing for services
*HLT-36-19-00006-P	04/29/21	Limits on Executive Compensation	Removes "Soft Cap" prohibition on covered executive salaries.
*HLT-46-19-00003-P	04/29/21	Tanning Facilities	To prohibit the use of indoor tanning facilities by individuals less than 18 years of age
*HLT-47-19-00008-P	04/29/21	Hospital Medical Staff - Limited Permit Holders	To repeal extra years of training required for limited permit holders to work in New York State hospitals.
*HLT-51-19-00001-P	04/29/21	Women, Infants and Children (WIC) Program	To support implementation of eWIC; clarify rules for violations, penalties & hearings & conform vendor authorization criteria.
*HLT-04-20-00003-P	04/29/21	Applied Behavior Analysis	To include Applied Behavior Analysis in the Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) benefit.
*HLT-04-20-00011-P	04/29/21	Nursing Home Case Mix Rationalization	To authorize the Department of Health to change the case mix acuity process for all nursing homes.
*HLT-11-20-00003-P	04/29/21	Adult Day Health Care (ADHC)	To allow for reimbursement of real property leases in certain situations when used for operations of an ADHC program
HLT-27-20-00006-P	07/08/21	Medicaid Managed Care State Fair Hearings and External Appeals Processes and Standards	To address & clarify rules of procedure & presentation of evidence for Medicaid managed care fair hearings & external appeals
HLT-28-20-00019-RP	07/15/21	Personal Care Services (PCS) and Consumer Directed Personal Assistance Program (CDPAP)	To implement a revised assessment process and eligibility criteria for PCS and CDPAP
HLT-31-20-00012-EP	exempt	Hospital Non-comparable Ambulance Acute Rate Add-on	Prevents duplicate claiming by Article 28 hospitals for the ambulance add-on regarding participation in the program
HLT-38-20-00006-P	09/23/21	Medicaid Transportation Program	Medicaid payment standards for emergency ambulance providers participating in an Emergency Triage, Treat & Transport (ET3) model
HLT-38-20-00008-ERP	09/23/21	Revise Requirements for Collection of Blood Components	To facilitate the availability of human blood components while maintaining safety

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>HEALTH, DEPARTMENT OF</b>			
HLT-45-20-00002-P	11/10/21	Cannabinoid Hemp	To create a licensing framework for cannabinoid hemp processors and cannabinoid hemp retailers
HLT-05-21-00011-P	02/03/22	Ingredient Disclosures for Vapor Products and E-Cigarettes	To provide for enhanced public awareness of the chemicals used in vapor products and electronic cigarettes
HLT-06-21-00006-P	02/10/22	Name Change for the Physically Handicapped Children's Program (PHCP)	To change the name of the PHCP to Children and Youth with Special Health Care Needs Support Services Programs
HLT-07-21-00012-P	02/17/22	Rate Setting for Residential Habilitation in Community Residences and for Non-State Providers of Day Habilitation	To amend rate methodologies limiting payments to IRA providers to conform to provisions in approved waiver
HLT-09-21-00009-EP	03/03/22	Surrogacy Programs and Assisted Reproduction Service Providers	To license and regulate surrogacy programs
<b>HOMELAND SECURITY AND EMERGENCY SERVICES, DIVISION OF</b>			
HES-08-21-00007-P	02/24/22	Minimum qualifications for certain fire chiefs	Minimum qualifications for fire chiefs subject to Civil Service Law Section 58-a and General Municipal Law section 204-dd
<b>HOUSING AND COMMUNITY RENEWAL, DIVISION OF</b>			
*HCR-21-19-00019-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits.
<b>HOUSING FINANCE AGENCY</b>			
*HFA-21-19-00020-P	04/29/21	Low-Income Housing Qualified Allocation Plan	To amend definitions, threshold criteria and application scoring for the allocation of low-income housing tax credits
<b>LABOR, DEPARTMENT OF</b>			
*LAB-46-19-00004-P	04/01/21	NY State Public Employees Occupational Safety and Health Standards	To incorporate by reference updates to OSHA standards into the NY State Public Employee Occupational Safety and Health Standards
LAB-49-20-00012-P	12/09/21	Sick Leave Requirements	To provide definitions and standards for the sick leave requirements contained in Section 196-b of the Labor Law
LAB-05-21-00003-EP	02/03/22	Unemployment Insurance (UI) definition of "day of total unemployment"	To prevent an additional financial burden on UI claimants seeking part-time work opportunities and help employers obtain talent
<b>LAW, DEPARTMENT OF</b>			
LAW-18-20-00002-P	05/06/21	Designation of a Privacy Officer	Removal of a named Privacy Officer., along with their contact information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>LIQUOR AUTHORITY, STATE</b>			
LQR-12-21-00005-P	06/09/22	Minimum curriculum requirements for ATAP schools	To add information regarding sexual violence prevention to minimum curriculum requirements for ATAP schools
<b>LONG ISLAND POWER AUTHORITY</b>			
*LPA-08-01-00003-P	exempt	Pole attachments and related matters	To approve revisions to the authority's tariff
*LPA-41-02-00005-P	exempt	Tariff for electric service	To revise the tariff for electric service
*LPA-04-06-00007-P	exempt	Tariff for electric service	To adopt provisions of a ratepayer protection plan
*LPA-03-10-00004-P	exempt	Residential late payment charges	To extend the application of late payment charges to residential customers
*LPA-15-18-00013-P	exempt	Outdoor area lighting	To add an option and pricing for efficient LED lamps to the Authority's outdoor area lighting
*LPA-37-18-00013-P	exempt	The net energy metering provisions of the Authority's Tariff for Electric Service	To implement PSC guidance increasing eligibility for value stack compensation to larger projects
*LPA-37-18-00017-P	exempt	The treatment of electric vehicle charging in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on electric vehicle supply equipment.
*LPA-37-18-00018-P	exempt	The treatment of energy storage in the Authority's Tariff for Electric Service.	To effectuate the outcome of the Public Service Commission's proceeding on the NY Energy Storage Roadmap.
*LPA-09-20-00010-P	exempt	To update and implement latest requirements for ESCOs proposing to do business within the Authority's service territory.	To strengthen customer protections and be consistent with Public Service Commission orders on retail energy markets.
LPA-28-20-00033-EP	exempt	LIPA's late payment charges, reconnection charges, and low-income customer discount enrollment	To allow waiver of late payment and reconnection charges and extend the grace period for re-enrolling in customer bill discounts
LPA-37-20-00013-EP	exempt	The terms of deferred payment agreements available to LIPA's commercial customers	To expand eligibility for and ease the terms of deferred payment agreements for LIPA's commercial customers
LPA-12-21-00011-P	exempt	LIPA's Long Island Choice (retail choice) tariff	To simplify and improve Long Island Choice based on stakeholder collaborative input.
<b>LONG ISLAND RAILROAD COMPANY</b>			
LIR-39-20-00005-ERP	09/30/21	Requiring wearing masks over the nose and mouth when using terminals, stations, and trains operated by Long Island Rail Road	To safeguard the public health and safety on terminals, stations and trains operated by Long Island Rail Road
<b>MANHATTAN AND BRONX SURFACE TRANSIT OPERATING AUTHORITY</b>			
MBA-39-20-00007-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by the MaBSTOA	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>MENTAL HEALTH, OFFICE OF</b>			
OMH-42-20-00011-EP	10/21/21	Comprehensive Psychiatric Emergency Programs	To provide clarify and provide uniformity relating to CPEPs and to implement Chapter 58 of the Laws of 2020
OMH-09-21-00001-EP	03/03/22	Redesigning Residential Treatment Facilities (RTF)	To provide clarity and provide uniformity relating to RTF's and to implement Chapter 58 of the Laws of 2020
<b>METRO-NORTH COMMUTER RAILROAD</b>			
MCR-39-20-00004-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations, and trains operated by Metro-North Railroad	To safeguard the public health and safety by amending the rules to require use of masks when using Metro-North facilities
<b>METROPOLITAN TRANSPORTATION AGENCY</b>			
MTA-39-20-00009-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using the facilities and conveyances operated by MTA Bus Company	To safeguard the public health and safety by amending rules to require use of masks when using MTA Bus facilities and conveyance
<b>NEW YORK CITY TRANSIT AUTHORITY</b>			
NTA-39-20-00006-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using facilities and conveyances operated by NYC Transit Authority	To safeguard the public health and safety by amending existing rules to require use of masks when using the transit system
<b>NIAGARA FALLS WATER BOARD</b>			
*NFW-04-13-00004-EP	exempt	Adoption of Rates, Fees and Charges	To pay for the increased costs necessary to operate, maintain and manage the system, and to achieve covenants with bondholders
*NFW-13-14-00006-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain and manage the system and to achieve covenants with the bondholders
NFW-03-21-00003-EP	exempt	Adoption of Rates, Fees and Charges	To pay for increased costs necessary to operate, maintain, and manage the system, and to meet covenants with the bondholders
<b>NIAGARA FRONTIER TRANSPORTATION AUTHORITY</b>			
NFT-39-20-00023-P	09/30/21	Procurement Guidelines of the Niagara Frontier Transportation Authority and Niagara Frontier Transit Metro System, Inc	To amend procurement guidelines to reflect changes in law and clarifying language
<b>OGDENSBURG BRIDGE AND PORT AUTHORITY</b>			
*OBA-33-18-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit.
*OBA-07-19-00019-P	exempt	Increase in Bridge Toll Structure	To increase bridge toll revenue in order to become financially self-supporting. Our bridge operations are resulting in deficit

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PARKS, RECREATION AND HISTORIC PRESERVATION, OFFICE OF</b>			
PKR-04-21-00005-P	01/27/22	Fees and charges for the use of State parks, parkways, historic sites and recreational facilities	To repeal outdated fees and charges that are not required to be posted in regulation
<b>PEOPLE WITH DEVELOPMENTAL DISABILITIES, OFFICE FOR</b>			
PDD-02-21-00005-EP	01/13/22	Medical Consent	To assist providers in administering the COVID-19 vaccine
PDD-04-21-00001-P	01/27/22	Annual Prevocational Assessment	To allow such assessments to be conducted at a location specified by OPWDD
PDD-04-21-00006-P	01/27/22	Medication regimen review	Make technical corrections to align with current regulation allowing for an annual medication regimen review or more frequently
PDD-07-21-00003-P	02/17/22	Reimbursement of waiver services	To conform OPWDD waiver services to the federally approved waiver agreement
PDD-12-21-00007-P	03/24/22	Repeal and amendment to outdated rate regulations	Repeal and amendment to outdated rate regulations
<b>POWER AUTHORITY OF THE STATE OF NEW YORK</b>			
*PAS-01-10-00010-P	exempt	Rates for the sale of power and energy	Update ECSB Programs customers' service tariffs to streamline them/include additional required information
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-09-99-00012-P	exempt	Transfer of books and records by Citizens Utilities Company	To relocate Ogden Telephone Company's books and records out-of-state
*PSC-15-99-00011-P	exempt	Electronic tariff by Woodcliff Park Corp.	To replace the company's current tariff with an electronic tariff
*PSC-12-00-00001-P	exempt	Winter bundled sales service election date by Central Hudson Gas & Electric Corporation	To revise the date
*PSC-44-01-00005-P	exempt	Annual reconciliation of gas costs by Corning Natural Gas Corporation	To authorize the company to include certain gas costs
*PSC-07-02-00032-P	exempt	Uniform business practices	To consider modification
*PSC-36-03-00010-P	exempt	Performance assurance plan by Verizon New York	To consider changes
*PSC-40-03-00015-P	exempt	Receipt of payment of bills by St. Lawrence Gas Company	To revise the process
*PSC-41-03-00010-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-41-03-00011-P	exempt	Annual reconciliation of gas expenses and gas cost recoveries	To consider filings of various LDCs and municipalities
*PSC-44-03-00009-P	exempt	Retail access data between jurisdictional utilities	To accommodate changes in retail access market structure or commission mandates

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-02-04-00008-P	..... exempt	Delivery rates for Con Edison's customers in New York City and Westchester County by the City of New York	To rehear the Nov. 25, 2003 order
*PSC-06-04-00009-P	..... exempt	Transfer of ownership interest by SCS Energy LLC and AE Investors LLC	To transfer interest in Steinway Creek Electric Generating Company LLC to AE Investors LLC
*PSC-10-04-00005-P	..... exempt	Temporary protective order	To consider adopting a protective order
*PSC-10-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and VIC-RMTS-DC, L.L.C. d/b/a Verizon Avenue	To amend the agreement
*PSC-14-04-00008-P	..... exempt	Submetering of natural gas service to industrial and commercial customers by Hamburg Fairgrounds	To submeter gas service to commercial customers located at the Buffalo Speedway
*PSC-15-04-00022-P	..... exempt	Submetering of electricity by Glenn Gardens Associates, L.P.	To permit submetering at 175 W. 87th St., New York, NY
*PSC-21-04-00013-P	..... exempt	Verizon performance assurance plan by Metropolitan Telecommunications	To clarify the appropriate performance level
*PSC-22-04-00010-P	..... exempt	Approval of new types of electricity meters by Powell Power Electric Company	To permit the use of the PE-1250 electronic meter
*PSC-22-04-00013-P	..... exempt	Major gas rate increase by Consolidated Edison Company of New York, Inc.	To increase annual gas revenues
*PSC-22-04-00016-P	..... exempt	Master metering of water by South Liberty Corporation	To waive the requirement for installation of separate water meters
*PSC-25-04-00012-P	..... exempt	Interconnection agreement between Frontier Communications of Ausable Valley, Inc., et al. and Sprint Communications Company, L.P.	To amend the agreement
*PSC-27-04-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-27-04-00009-P	..... exempt	Interconnection agreement between Verizon New York Inc. and various Verizon wireless affiliates	To amend the agreement
*PSC-28-04-00006-P	..... exempt	Approval of loans by Dunkirk & Fredonia Telephone Company and Cassadaga Telephone Corporation	To authorize participation in the parent corporation's line of credit
*PSC-31-04-00023-P	..... exempt	Distributed generation service by Consolidated Edison Company of New York, Inc.	To provide an application form
*PSC-34-04-00031-P	..... exempt	Flat rate residential service by Emerald Green Lake Louise Marie Water Company, Inc.	To set appropriate level of permanent rates
*PSC-35-04-00017-P	..... exempt	Application form for distributed generation by Orange and Rockland Utilities, Inc.	To establish a new supplementary application form for customers
*PSC-43-04-00016-P	..... exempt	Accounts recievable by Rochester Gas and Electric Corporation	To include in its tariff provisions for the purchase of ESCO accounts recievable

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-46-04-00012-P	..... exempt	Service application form by Consolidated Edison Company of New York, Inc.	To revise the form and make housekeeping changes
*PSC-46-04-00013-P	..... exempt	Rules and guidelines governing installation of metering equipment	To establish uniform statewide business practices
*PSC-02-05-00006-P	..... exempt	Violation of the July 22, 2004 order by Dutchess Estates Water Company, Inc.	To consider imposing remedial actions against the company and its owners, officers and directors
*PSC-09-05-00009-P	..... exempt	Submetering of natural gas service by Hamlet on Olde Oyster Bay	To consider submetering of natural gas to a commercial customer
*PSC-14-05-00006-P	..... exempt	Request for deferred accounting authorization by Freeport Electric Inc.	To defer expenses beyond the end of the fiscal year
*PSC-18-05-00009-P	..... exempt	Marketer Assignment Program by Consolidated Edison Company of New York, Inc.	To implement the program
*PSC-20-05-00028-P	..... exempt	Delivery point aggregation fee by Allied Frozen Storage, Inc.	To review the calculation of the fee
*PSC-25-05-00011-P	..... exempt	Metering, balancing and cashout provisions by Central Hudson Gas & Electric Corporation	To establish provisions for gas customers taking service under Service Classification Nos. 8, 9 and 11
*PSC-27-05-00018-P	..... exempt	Annual reconciliation of gas costs by New York State Electric & Gas Corporation	To consider the manner in which the gas cost incentive mechanism has been applied
*PSC-41-05-00013-P	..... exempt	Annual reconciliation of gas expenses and gas cost recoveries by local distribution companies and municipalities	To consider the filings
*PSC-45-05-00011-P	..... exempt	Treatment of lost and unaccounted gas costs by Corning Natural Gas Corporation	To defer certain costs
*PSC-46-05-00015-P	..... exempt	Sale of real and personal property by the Brooklyn Union Gas Company d/b/a KeySpan Energy Delivery New York and Steel Arrow, LLC	To consider the sale
*PSC-47-05-00009-P	..... exempt	Transferral of gas supplies by Corning Natural Gas Corporation	To approve the transfer
*PSC-50-05-00008-P	..... exempt	Long-term debt by Saratoga Glen Hollow Water Supply Corp.	To obtain long-term debt
*PSC-04-06-00024-P	..... exempt	Transfer of ownership interests by Mirant NY-Gen LLC and Orange and Rockland Utilities, Inc.	To approve of the transfer
*PSC-06-06-00015-P	..... exempt	Gas curtailment policies and procedures	To examine the manner and extent to which gas curtailment policies and procedures should be modified and/or established
*PSC-07-06-00009-P	..... exempt	Modification of the current Environmental Disclosure Program	To include an attributes accounting system
*PSC-22-06-00019-P	..... exempt	Hourly pricing by National Grid	To assess the impacts

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-06-00020-P	..... exempt	Hourly pricing by New York State Electric & Gas Corporation	To assess the impacts
*PSC-22-06-00021-P	..... exempt	Hourly pricing by Rochester Gas & Electric Corporation	To assess the impacts
*PSC-22-06-00022-P	..... exempt	Hourly pricing by Consolidated Edison Company of New York, Inc.	To assess the impacts
*PSC-22-06-00023-P	..... exempt	Hourly pricing by Orange and Rockland Utilities, Inc.	To assess the impacts
*PSC-24-06-00005-EP	..... exempt	Supplemental home energy assistance benefits	To extend the deadline to Central Hudson's low-income customers
*PSC-25-06-00017-P	..... exempt	Purchased power adjustment by Massena Electric Department	To revise the method of calculating the purchased power adjustment and update the factor of adjustment
*PSC-34-06-00009-P	..... exempt	Inter-carrier telephone service quality standards and metrics by the Carrier Working Group	To incorporate appropriate modifications
*PSC-37-06-00015-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-37-06-00017-P	..... exempt	Procedures for estimation of customer bills by Rochester Gas and Electric Corporation	To consider estimation procedures
*PSC-43-06-00014-P	..... exempt	Electric delivery services by Strategic Power Management, Inc.	To determine the proper mechanism for the rate-recovery of costs
*PSC-04-07-00012-P	..... exempt	Petition for rehearing by Orange and Rockland Utilities, Inc.	To clarify the order
*PSC-06-07-00015-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for electric service
*PSC-06-07-00020-P	..... exempt	Meter reading and billing practices by Central Hudson Gas & Electric Corporation	To continue current meter reading and billing practices for gas service
*PSC-11-07-00010-P	..... exempt	Investigation of the electric power outages by the Consolidated Edison Company of New York, Inc.	To implement the recommendations in the staff's investigation
*PSC-11-07-00011-P	..... exempt	Storm-related power outages by Consolidated Edison Company of New York, Inc.	To modify the company's response to power outages, the timing for any such changes and other related matters
*PSC-17-07-00008-P	..... exempt	Interconnection agreement between Verizon New York Inc. and BridgeCom International, Inc.	To amend the agreement
*PSC-18-07-00010-P	..... exempt	Existing electric generating stations by Independent Power Producers of New York, Inc.	To repower and upgrade existing electric generating stations owned by Rochester Gas and Electric Corporation
*PSC-20-07-00016-P	..... exempt	Tariff revisions and making rates permanent by New York State Electric & Gas Corporation	To seek rehearing

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-21-07-00007-P	..... exempt	Natural Gas Supply and Acquisition Plan by Corning Natural Gas Corporation	To revise the rates, charges, rules and regulations for gas service
*PSC-22-07-00015-P	..... exempt	Demand Side Management Program by Consolidated Edison Company of New York, Inc.	To recover incremental program costs and lost revenue
*PSC-23-07-00022-P	..... exempt	Supplier, transportation, balancing and aggregation service by National Fuel Gas Distribution Corporation	To explicitly state in the company's tariff that the threshold level of elective upstream transmission capacity is a maximum of 112,600 Dth/day of marketer-provided upstream capacity
*PSC-24-07-00012-P	..... exempt	Gas Efficiency Program by the City of New York	To consider rehearing a decision establishing a Gas Efficiency Program
*PSC-39-07-00017-P	..... exempt	Gas bill issuance charge by New York State Electric & Gas Corporation	To create a gas bill issuance charge unbundled from delivery rates
*PSC-41-07-00009-P	..... exempt	Submetering of electricity rehearing	To seek reversal
*PSC-42-07-00012-P	..... exempt	Energy efficiency program by Orange and Rockland Utilities, Inc.	To consider any energy efficiency program for Orange and Rockland Utilities, Inc.'s electric service
*PSC-42-07-00013-P	..... exempt	Revenue decoupling by Orange and Rockland Utilities, Inc.	To consider a revenue decoupling mechanism for Orange and Rockland Utilities, Inc.
*PSC-45-07-00005-P	..... exempt	Customer incentive programs by Orange and Rockland Utilities, Inc.	To establish a tariff provision
*PSC-02-08-00006-P	..... exempt	Additional central office codes in the 315 area code region	To consider options for making additional codes
*PSC-03-08-00006-P	..... exempt	Rehearing of the accounting determinations	To grant or deny a petition for rehearing of the accounting determinations
*PSC-04-08-00010-P	..... exempt	Granting of easement rights on utility property by Central Hudson Gas & Electric Corporation	To grant easement rights to Millennium Pipeline Company, L.L.C.
*PSC-04-08-00012-P	..... exempt	Marketing practices of energy service companies by the Consumer Protection Board and New York City Department of Consumer Affairs	To consider modifying the commission's regulation over marketing practices of energy service companies
*PSC-08-08-00016-P	..... exempt	Transfer of ownership by Entergy Nuclear Fitzpatrick LLC, et al.	To consider the transfer
*PSC-12-08-00019-P	..... exempt	Extend the provisions of the existing electric rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-12-08-00021-P	..... exempt	Extend the provisions of the existing gas rate plan by Rochester Gas and Electric Corporation	To consider the request
*PSC-13-08-00011-P	..... exempt	Waiver of commission policy and NYSEG tariff by Turner Engineering, PC	To grant or deny Turner's petition
*PSC-13-08-00012-P	..... exempt	Voltage drops by New York State Electric & Gas Corporation	To grant or deny the petition

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-08-00008-P	..... exempt	Petition requesting rehearing and clarification of the commission's April 25, 2008 order denying petition of public utility law project	To consider whether to grant or deny, in whole or in part, the May 7, 2008 Public Utility Law Project (PULP) petition for rehearing and clarification of the commission's April 25, 2008 order denying petition of Public Utility Law Project
*PSC-25-08-00007-P	..... exempt	Policies and procedures regarding the selection of regulatory proposals to meet reliability needs	To establish policies and procedures regarding the selection of regulatory proposals to meet reliability needs
*PSC-25-08-00008-P	..... exempt	Report on Callable Load Opportunities	Rider U report assessing callable load opportunities in New York City and Westchester County during the next 10 years
*PSC-28-08-00004-P	..... exempt	Con Edison's procedure for providing customers access to their account information	To consider Con Edison's implementation plan and timetable for providing customers access to their account information
*PSC-31-08-00025-P	..... exempt	Recovery of reasonable DRS costs from the cost mitigation reserve (CMR)	To authorize recovery of the DRS costs from the CMR
*PSC-32-08-00009-P	..... exempt	The ESCO referral program for KEDNY to be implemented by October 1, 2008	To approve, reject or modify, in whole or in part, KEDNY's recommended ESCO referral program
*PSC-33-08-00008-P	..... exempt	Noble Allegany's request for lightened regulation	To consider Noble Allegany's request for lightened regulation as an electric corporation
*PSC-36-08-00019-P	..... exempt	Land Transfer in the Borough of Manhattan, New York	To consider petition for transfer of real property to NYPH
*PSC-39-08-00010-P	..... exempt	RG&E's economic development plan and tariffs	Consideration of the approval of RG&E's economic development plan and tariffs
*PSC-40-08-00010-P	..... exempt	Loans from regulated company to its parent	To determine if the cash management program resulting in loans to the parent should be approved
*PSC-41-08-00009-P	..... exempt	Transfer of control of cable TV franchise	To determine if the transfer of control of Margaretville's cable TV subsidiary should be approved
*PSC-43-08-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries
*PSC-46-08-00008-P	..... exempt	Property transfer in the Village of Avon, New York	To consider a petition for the transfer of street lighting and attached equipment to the Village of Avon, New York
*PSC-46-08-00010-P	..... exempt	A transfer of indirect ownership interests in nuclear generation facilities	Consideration of approval of a transfer of indirect ownership interests in nuclear generation facilities
*PSC-46-08-00014-P	..... exempt	The attachment of cellular antennae to an electric transmission tower	To approve, reject or modify the request for permission to attach cellular antennae to an electric transmission tower
*PSC-48-08-00005-P	..... exempt	A National Grid high efficiency gas heating equipment rebate program	To expand eligibility to customers converting from oil to natural gas

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-48-08-00008-P	..... exempt	Petition for the master metering and submetering of electricity	To consider the request of Bay City Metering, to master meter & submeter electricity at 345 E. 81st St., New York, New York
*PSC-48-08-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of PCV/ST to submeter electricity at Peter Cooper Village & Stuyvesant Town, New York, New York
*PSC-50-08-00018-P	..... exempt	Market Supply Charge	A study on the implementation of a revised Market Supply Charge
*PSC-51-08-00006-P	..... exempt	Commission's October 27, 2008 Order on Future of Retail Access Programs in Case 07-M-0458	To consider a Petition for rehearing of the Commission's October 27, 2008 Order in Case 07-M-0458
*PSC-51-08-00007-P	..... exempt	Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078	To consider Petitions for rehearing of the Commission's October 27, 2008 Order in Cases 98-M-1343, 07-M-1514 and 08-G-0078
*PSC-53-08-00011-P	..... exempt	Use of deferred Rural Telephone Bank funds	To determine if the purchase of a softswitch by Hancock is an appropriate use of deferred Rural Telephone Bank funds
*PSC-53-08-00012-P	..... exempt	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY	Transfer of permanent and temporary easements at 549-555 North Little Tor Road, New City, NY
*PSC-53-08-00013-P	..... exempt	To transfer common stock and ownership	To consider transfer of common stock and ownership
*PSC-01-09-00015-P	..... exempt	FCC decision to redefine service area of Citizens/Frontier	Review and consider FCC proposed redefinition of Citizens/Frontier service area
*PSC-02-09-00010-P	..... exempt	Competitive classification of independent local exchange company, and regulatory relief appropriate thereto	To determine if Chazy & Westport Telephone Corporation more appropriately belongs in scenario 1 rather than scenario 2
*PSC-05-09-00008-P	..... exempt	Revenue allocation, rate design, performance metrics, and other non-revenue requirement issues	To consider any remaining non-revenue requirement issues related to the Company's May 9, 2008 tariff filing
*PSC-05-09-00009-P	..... exempt	Numerous decisions involving the steam system including cost allocation, energy efficiency and capital projects	To consider the long term impacts on steam rates and on public policy of various options concerning the steam system
*PSC-06-09-00007-P	..... exempt	Interconnection of the networks between Frontier Comm. and WVT Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier Comm. and WVT Comm.
*PSC-07-09-00015-P	..... exempt	Transfer certain utility assets located in the Town of Montgomery from plant held for future use to non-utility property	To consider the request to transfer certain utility assets located in the Town of Montgomery to non-utility assets
*PSC-07-09-00017-P	..... exempt	Request for authorization to defer the incremental costs incurred in the restoration work resulting from the ice storm	To allow the company to defer the incremental costs incurred in the restoration work resulting from the ice storm
*PSC-07-09-00018-P	..... exempt	Whether to permit the submetering of natural gas service to an industrial and commercial customer at Cooper Union, New York, NY	To consider the request of Cooper Union, to submeter natural gas at 41 Cooper Square, New York, New York

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-12-09-00010-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-12-09-00012-P	..... exempt	Charges for commodity	To charge customers for commodity costs
*PSC-13-09-00008-P	..... exempt	Options for making additional central office codes available in the 718/347 numbering plan area	To consider options for making additional central office codes available in the 718/347 numbering plan area
*PSC-14-09-00014-P	..... exempt	The regulation of revenue requirements for municipal utilities by the Public Service Commission	To determine whether the regulation of revenue requirements for municipal utilities should be modified
*PSC-16-09-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of AMPS on behalf of Park Imperial to submeter electricity at 230 W. 56th Street, in New York, New York
*PSC-16-09-00020-P	..... exempt	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity	Whether SUNY's core accounts should be exempt from the mandatory assignment of local distribution company (LDC) capacity
*PSC-17-09-00010-P	..... exempt	Whether to permit the use of Elster REX2 solid state electric meter for use in residential and commercial accounts	To permit electric utilities in New York State to use the Elster REX2
*PSC-17-09-00011-P	..... exempt	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes	Whether Brooklyn Navy Yard Cogeneration Partners, L.P. should be reimbursed by Con Edison for past and future use taxes
*PSC-17-09-00012-P	..... exempt	Petition for the submetering of gas at commercial property	To consider the request of Turner Construction, to submeter natural gas at 550 Short Ave., & 10 South St., Governors Island, NY
*PSC-17-09-00014-P	..... exempt	Benefit-cost framework for evaluating AMI programs prepared by the DPS Staff	To consider a benefit-cost framework for evaluating AMI programs prepared by the DPS Staff
*PSC-17-09-00015-P	..... exempt	The construction of a tower for wireless antennas on land owned by National Grid	To approve, reject or modify the petition to build a tower for wireless antennas in the Town of Onondaga
*PSC-18-09-00012-P	..... exempt	Petition for rehearing of Order approving the submetering of electricity	To consider the request of Frank Signore to rehear petition to submeter electricity at One City Place in White Plains, New York
*PSC-18-09-00013-P	..... exempt	Petition for the submetering of electricity	To consider the request of Living Opportunities of DePaul to submeter electricity at E. Main St. located in Batavia, New York
*PSC-18-09-00017-P	..... exempt	Approval of an arrangement for attachment of wireless antennas to the utility's transmission facilities in the City of Yonkers	To approve, reject or modify the petition for the existing wireless antenna attachment to the utility's transmission tower
*PSC-20-09-00016-P	..... exempt	The recovery of, and accounting for, costs associated with the Companies' advanced metering infrastructure (AMI) pilots etc	To consider a filing of the Companies as to the recovery of, and accounting for, costs associated with it's AMI pilots etc
*PSC-20-09-00017-P	..... exempt	The recovery of, and accounting for, costs associated with CHG&E's AMI pilot program	To consider a filing of CHG&E as to the recovery of, and accounting for, costs associated with it's AMI pilot program

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-22-09-00011-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-25-09-00005-P	..... exempt	Whether to grant, deny, or modify, in whole or in part, the petition	Whether to grant, deny, or modify, in whole or in part, the petition
*PSC-25-09-00006-P	..... exempt	Electric utility implementation plans for proposed web based SIR application process and project status database	To determine if the proposed web based SIR systems are adequate and meet requirements needed for implementation
*PSC-25-09-00007-P	..... exempt	Electric rates for Consolidated Edison Company of New York, Inc	Consider a Petition for Rehearing filed by Consolidated Edison Company of New York, Inc
*PSC-27-09-00011-P	..... exempt	Interconnection of the networks between Vernon and tw telecom of new york l.p. for local exchange service and exchange access.	To review the terms and conditions of the negotiated agreement between Vernon and tw telecom of new york l.p.
*PSC-27-09-00014-P	..... exempt	Billing and payment for energy efficiency measures through utility bill	To promote energy conservation
*PSC-27-09-00015-P	..... exempt	Interconnection of the networks between Oriskany and tw telecom of new york l.p. for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Oriskany and tw telecom of new york l.p.
*PSC-29-09-00011-P	..... exempt	Consideration of utility compliance filings	Consideration of utility compliance filings
*PSC-32-09-00009-P	..... exempt	Cost allocation for Consolidated Edison's East River Repowering Project	To determine whether any changes are warranted in the cost allocation of Consolidated Edison's East River Repowering Project
*PSC-34-09-00016-P	..... exempt	Recommendations made in the Management Audit Final Report	To consider whether to take action or recommendations contained in the Management Audit Final Report
*PSC-34-09-00017-P	..... exempt	To consider the transfer of control of Plattsburgh Cablevision, Inc. d/b/a Charter Communications to CH Communications, LLC	To allow the Plattsburgh Cablevision, Inc. to distribute its equity interest in CH Communications, LLC
*PSC-36-09-00008-P	..... exempt	The increase in the non-bypassable charge implemented by RG&E on June 1, 2009	Considering exemptions from the increase in the non-bypassable charge implemented by RG&E on June 1, 2009
*PSC-37-09-00015-P	..... exempt	Sale of customer-generated steam to the Con Edison steam system	To establish a mechanism for sale of customer-generated steam to the Con Edison steam system
*PSC-37-09-00016-P	..... exempt	Applicability of electronic signatures to Deferred Payment Agreements	To determine whether electronic signatures can be accepted for Deferred Payment Agreements
*PSC-39-09-00015-P	..... exempt	Modifications to the \$5 Bill Credit Program	Consideration of petition of National Grid to modify the Low Income \$5 Bill Credit Program
*PSC-39-09-00018-P	..... exempt	The offset of deferral balances with Positive Benefit Adjustments	To consider a petition to offset deferral balances with Positive Benefit Adjustments
*PSC-40-09-00013-P	..... exempt	Uniform System of Accounts - request for deferral and amortization of costs	To consider a petition to defer and amortize costs

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-09-00029-P	..... exempt	Rules and guidelines for the exchange of retail access data between jurisdictional utilities and eligible ESCOs	To revise the uniform Electronic Data Interchange Standards and business practices to incorporate a contest period
*PSC-51-09-00030-P	..... exempt	Waiver or modification of Capital Expenditure condition of merger	To allow the companies to expend less funds for capital improvement than required by the merger
*PSC-52-09-00006-P	..... exempt	ACE's petition for rehearing for an order regarding generator-specific energy deliverability study methodology	To consider whether to change the Order Prescribing Study Methodology
*PSC-52-09-00008-P	..... exempt	Approval for the New York Independent System Operator, Inc. to incur indebtedness and borrow up to \$50,000,000	To finance the renovation and construction of the New York Independent System Operator, Inc.'s power control center facilities
*PSC-05-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of University Residences - Rochester, LLC to submeter electricity at 220 John Street, Henrietta, NY
*PSC-05-10-00015-P	..... exempt	Petition for the submetering of electricity	To consider the request of 243 West End Avenue Owners Corp. to submeter electricity at 243 West End Avenue, New York, NY
*PSC-06-10-00022-P	..... exempt	The Commission's Order of December 17, 2009 related to redevelopment of Consolidated Edison's Hudson Avenue generating facility	To reconsider the Commission's Order of December 17, 2009 related to redevelopment of the Hudson Avenue generating facility
*PSC-07-10-00009-P	..... exempt	Petition to revise the Uniform Business Practices	To consider the RESA petition to allow rescission of a customer request to return to full utility service
*PSC-08-10-00007-P	..... exempt	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847	Whether to grant, deny, or modify , in whole or in part, the rehearing petition filed in Case 06-E-0847
*PSC-08-10-00009-P	..... exempt	Consolidated Edison of New York, Inc. energy efficiency programs	To modify approved energy efficiency programs
*PSC-12-10-00015-P	..... exempt	Recommendations made by Staff intended to enhance the safety of Con Edison's gas operations	To require that Con Edison implement the Staff recommendations intended to enhance the safety of Con Edison's gas operations
*PSC-14-10-00010-P	..... exempt	Petition for the submetering of electricity	To consider the request of 61 Jane Street Owners Corporation to submeter Electricity at 61 Jane Street, Manhattan, NY
*PSC-16-10-00005-P	..... exempt	To consider adopting and expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-16-10-00007-P	..... exempt	Interconnection of the networks between TDS Telecom and PAETEC Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between TDS Telecom and PAETEC Communications
*PSC-16-10-00015-P	..... exempt	Interconnection of the networks between Frontier and Choice One Communications for local exchange service and exchange access	To review the terms and conditions of the negotiated agreement between Frontier and Choice One Communications
*PSC-18-10-00009-P	..... exempt	Electric utility transmission right-of-way management practices	To consider electric utility transmission right-of-way management practices

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-19-10-00022-P	..... exempt	Whether National Grid should be permitted to transfer a parcel of property located at 1 Eddy Street, Fort Edward, New York	To decide whether to approve National Grid's request to transfer a parcel of vacant property in Fort Edward, New York
*PSC-22-10-00006-P	..... exempt	Requirement that Noble demonstrate that its affiliated electric corporations operating in New York are providing safe service	Consider requiring that Noble demonstrate that its affiliated electric corporations in New York are providing safe service
*PSC-22-10-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of 48-52 Franklin Street to submeter electricity at 50 Franklin Street, New York, New York
*PSC-24-10-00009-P	..... exempt	Verizon New York Inc. tariff regulations relating to voice messaging service	To remove tariff regulations relating to retail voice messaging service from Verizon New York Inc.'s tariff
*PSC-25-10-00012-P	..... exempt	Reassignment of the 2-1-1 abbreviated dialing code	Consideration of petition to reassign the 2-1-1 abbreviated dialing code
*PSC-27-10-00016-P	..... exempt	Petition for the submetering of electricity	To consider the request of 9271 Group, LLC to submeter electricity at 960 Busti Avenue, Buffalo, New York
*PSC-34-10-00003-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-34-10-00005-P	..... exempt	Approval of a contract for \$250,000 in tank repairs that may be a financing	To decide whether to approve a contract between the parties that may be a financing of \$250,000 for tank repairs
*PSC-34-10-00006-P	..... exempt	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program	The modification of Central Hudson Gas & Electric Corporation's Enhanced Powerful Opportunities Program
*PSC-36-10-00010-P	..... exempt	Central Hudson's procedures, terms and conditions for an economic development plan	Consideration of Central Hudson's procedures, terms and conditions for an economic development plan
*PSC-40-10-00014-P	..... exempt	Disposition of a state sales tax refund	To determine how much of a state sales tax refund should be retained by National Grid
*PSC-40-10-00021-P	..... exempt	Whether to permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall	To permit the submetering of natural gas service to a commercial customer at Quaker Crossing Mall
*PSC-41-10-00018-P	..... exempt	Amount of hourly interval data provided to Hourly Pricing customers who have not installed a phone line to read meter	Allow Central Hudson to provide less than a years worth of interval data and charge for manual meter reading for some customers
*PSC-41-10-00022-P	..... exempt	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY	Request for waiver of the individual living unit metering requirements at 5742 Route 5, Vernon, NY
*PSC-42-10-00011-P	..... exempt	Petition for the submetering of electricity	To consider the request of 4858 Group, LLC to submeter electricity at 456 Main Street, Buffalo, New York
*PSC-43-10-00016-P	..... exempt	Utility Access to Ducts, Conduit Facilities and Utility Poles	To review the complaint from Optical Communications Group

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-10-00003-P	..... exempt	Third and fourth stage gas rate increase by Corning Natural Gas Corporation	To consider Corning Natural Gas Corporation's request for a third and fourth stage gas rate increase
*PSC-51-10-00018-P	..... exempt	Commission proceeding concerning three-phase electric service by all major electric utilities	Investigate the consistency of the tariff provisions for three-phase electric service for all major electric utilities
*PSC-11-11-00003-P	..... exempt	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service	The proposed transfer of 55.42 acres of land and \$1.4 million of revenues derived from the rendition of public service
*PSC-13-11-00005-P	..... exempt	Exclude the minimum monthly bill component from the earnings test calculation	Exclude the minimum monthly bill component from the earnings test calculation
*PSC-14-11-00009-P	..... exempt	Petition for the submetering of electricity	To consider the request of 83-30 118th Street to submeter electricity at 83-30 118th Street, Kew Gardens, New York
*PSC-19-11-00007-P	..... exempt	Utility price reporting requirements related to the Commission's "Power to Choose" website	Modify the Commission's utility electric commodity price reporting requirements related to the "Power to Choose" website
*PSC-20-11-00012-P	..... exempt	Petition for the submetering of electricity	To consider the request of KMW Group LLC to submeter electricity at 122 West Street, Brooklyn, New York
*PSC-20-11-00013-P	..... exempt	Determining the reasonableness of Niagara Mohawk Power Corporation d/b/a National Grid 's make ready charges	To determine if the make ready charges of Niagara Mohawk Power Corporation d/b/a National Grid are reasonable
*PSC-22-11-00004-P	..... exempt	Whether to permit the use of the Sensus accWAVE for use in residential gas meter applications	To permit gas utilities in New York State to use the Sensus accWAVE diaphragm gas meter
*PSC-26-11-00007-P	..... exempt	Water rates and charges	To approve an increase in annual revenues by about \$25,266 or 50%
*PSC-26-11-00009-P	..... exempt	Petition for the submetering of electricity at commercial property	To consider the request of by Hoosick River Hardwoods, LLC to submeter electricity at 28 Taylor Avenue, in Berlin, New York
*PSC-26-11-00012-P	..... exempt	Waiver of generation retirement notice requirements	Consideration of waiver of generation retirement notice requirements
*PSC-29-11-00011-P	..... exempt	Petition requesting the Commission reconsider its May 19, 2011 Order and conduct a hearing, and petition to stay said Order.	To consider whether to grant or deny, in whole or in part, Windstream New York's Petition For Reconsideration and Rehearing.
*PSC-35-11-00011-P	..... exempt	Whether to permit Consolidated Edison a waiver to commission regulations Part 226.8	Permit Consolidated Edison to conduct a inspection program in lieu of testing the accuracy of Category C meters
*PSC-36-11-00006-P	..... exempt	To consider expanding mobile stray voltage testing requirements	Adopt additional mobile stray voltage testing requirements
*PSC-38-11-00002-P	..... exempt	Operation and maintenance procedures pertaining to steam trap caps	Adopt modified steam operation and maintenance procedures
*PSC-38-11-00003-P	..... exempt	Waiver of certain provisions of the electric service tariffs of Con Edison	Consideration of waiver of certain provisions of the electric service tariffs of Con Edison

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-40-11-00010-P	..... exempt	Participation of regulated local exchange carriers in the New York Data Exchange, Inc. (NYDE)	Whether to partially modify its order requiring regulated local exchange carriers' participation NYDE
*PSC-40-11-00012-P	..... exempt	Granting of transfer of plant in-service to a regulatory asset	To approve transfer and recovery of unamortized plant investment
*PSC-42-11-00018-P	..... exempt	Availability of telecommunications services in New York State at just and reasonable rates	Providing funding support to help ensure availability of affordable telecommunications service throughout New York
*PSC-43-11-00012-P	..... exempt	Transfer of outstanding shares of stock	Transfer the issued outstanding shares of stock of The Meadows at Hyde Park Water-Works Corporation to HPWS, LLC
*PSC-47-11-00007-P	..... exempt	Remedying miscalculations of delivered gas as between two customer classes	Consideration of Con Edison's proposal to address inter-class delivery imbalances resulting from past Company miscalculations
*PSC-48-11-00007-P	..... exempt	Transfer of controlling interests in generation facilities from Dynegy to PSEG	Consideration of the transfer of controlling interests in electric generation facilities from Dynegy to PSEG
*PSC-48-11-00008-P	..... exempt	Petition for the submetering of electricity	To consider the request of To Better Days, LLC to submeter electricity at 37 East 4th Street, New York, New York
*PSC-01-12-00007-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-01-12-00008-P	..... exempt	Transfer of real property and easements from NMPNS to NMP3	Consideration of the transfer of real property and easements from NMPNS to NMP3
*PSC-01-12-00009-P	..... exempt	Recovery of expenses related to the expansion of Con Edison's ESCO referral program, PowerMove	To determine how and to what extent expenses related to the Expansion of Con Edison's ESCO referral program should be recovered
*PSC-11-12-00002-P	..... exempt	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff	Whether to grant, deny or modify, in whole or part, Hegeman's petition for a waiver of Commission policy and Con Edison tariff
*PSC-11-12-00005-P	..... exempt	Transfer of land and water supply assets	Transfer the land and associated water supply assets of Groman Shores, LLC to Robert Groman
*PSC-13-12-00005-P	..... exempt	Authorization to transfer certain real property	To decide whether to approve the transfer of certain real property
*PSC-19-12-00023-P	..... exempt	Petition for approval pursuant to Section 70 for the sale of goods with an original cost of less than \$100,000	To consider whether to grant, deny or modify, in whole or in part, the petition filed by Orange and Rockland Utilities, Inc.
*PSC-21-12-00006-P	..... exempt	Tariff filing requirements and refunds	To determine if certain agreements should be filed pursuant to the Public Service Law and if refunds are warranted
*PSC-21-12-00011-P	..... exempt	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47	Whether to grant, deny or modify, in whole or part, the petition for waiver of tariff Rules 8.6 and 47

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-12-00007-P	..... exempt	The approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility	To consider the approval of a financing upon a transfer to Alliance of upstream ownership interests in a generation facility
*PSC-23-12-00009-P	..... exempt	Over earnings sharing between rate payers and shareholders	To establish an Earnings Sharing Mechanism to be applied following the conclusion of Corning's rate plan
*PSC-27-12-00012-P	..... exempt	Implementation of recommendations made in a Management Audit Report	To consider implementation of recommendations made in a Management Audit Report
*PSC-28-12-00013-P	..... exempt	Exemption of reliability reporting statistics for the purpose of the 2012 Reliability Performance Mechanism	Consideration of Orange and Rockland Utilities request for exemption of the 2012 reliability reporting statistics
*PSC-29-12-00019-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Hamden to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-30-12-00010-P	..... exempt	Waiver of 16 NYCRR 894.1 through 894.4	To allow the Town of Andes to waive certain preliminary franchising procedures to expedite the franchising process
*PSC-33-12-00009-P	..... exempt	Telecommunications companies ability to attach to utility company poles	Consideration of Tech Valley's ability to attach to Central Hudson poles
*PSC-37-12-00009-P	..... exempt	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers	Proposed modification by Con Edison of its procedures to calculate estimated bills to its customers
*PSC-42-12-00009-P	..... exempt	Regulation of Gypsy Trail Club, Inc.'s long-term financing agreements	To exempt Gypsy Trail Club, Inc. from Commission regulation of its financing agreements
*PSC-45-12-00008-P	..... exempt	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff	Whether to grant, deny or modify, in whole or part, ESHG's petition for a waiver of Commission policy and RG&E tariff
*PSC-45-12-00010-P	..... exempt	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District	Whether to grant, deny or modify, in whole or in part the petition of Con Edison to grant easements to Millwood Fire District
*PSC-50-12-00003-P	..... exempt	Affiliate standards for Corning Natural Gas Corporation	To resolve issues raised by Corning Natural Gas Corporation in its petition for rehearing
*PSC-04-13-00006-P	..... exempt	Expansion of mandatory day ahead hourly pricing for customers of Orange and Rockland Utilities with demands above 100 kW	To consider the expansion of mandatory day ahead hourly pricing for customers with demands above 100 kW
*PSC-04-13-00007-P	..... exempt	Authorization to transfer certain real property.	To decide whether to approve the transfer of certain real property.
*PSC-06-13-00008-P	..... exempt	Verizon New York Inc.'s retail service quality	To investigate Verizon New York Inc.'s retail service quality
*PSC-08-13-00012-P	..... exempt	Filing requirements for certain Article VII electric facilities	To ensure that applications for certain electric transmission facilities contain pertinent information

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-08-13-00014-P	..... exempt	Uniform System of Accounts - Request for Accounting Authorization	To allow the company to defer an item of expense or capital beyond the end of the year in which it was incurred
*PSC-12-13-00007-P	..... exempt	Protecting company water mains	To allow the company to require certain customers to make changes to the electrical grounding system at their homes
*PSC-13-13-00008-P	..... exempt	The potential waiver of 16 NYCRR 255.9221(d) completion of integrity assessments for certain gas transmission lines.	To determine whether a waiver of the timely completion of certain gas transmission line integrity assessments should be granted.
*PSC-18-13-00007-P	..... exempt	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes	Whether Demand Energy Networks energy storage systems should be designated technologies for standby rate eligibility purposes
*PSC-21-13-00003-P	..... exempt	To consider policies that may impact consumer acceptance and use of electric vehicles	To consider and further develop policies that may impact consumer acceptance and use of electric vehicles
*PSC-21-13-00005-P	..... exempt	To implement an abandonment of Windover's water system	To approve the implementation of abandonment of Windover's water system
*PSC-21-13-00008-P	..... exempt	Rates of National Fuel Gas Distribution Corporation	To make the rates of National Fuel Gas Distribution Corporation temporary, subject to refund, if they are found to be excessive
*PSC-21-13-00009-P	..... exempt	Reporting requirements for natural gas local distribution companies	To help ensure efficient and economic expansion of the natural gas system as appropriate
*PSC-22-13-00009-P	..... exempt	On remand from New York State court litigation, determine the recovery of certain deferred amounts owed NFG by ratepayers	On remand, to determine the recovery of certain deferral amounts owed NFG from ratepayers
*PSC-23-13-00005-P	..... exempt	Waiver of partial payment, directory database distribution, service quality reporting, and service termination regulations	Equalize regulatory treatment based on level of competition and practical considerations
*PSC-25-13-00008-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-25-13-00009-P	..... exempt	Provision by utilities of natural gas main and service lines.	To help ensure efficient and economic expansion of the natural gas system as appropriate.
*PSC-25-13-00012-P	..... exempt	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.	To deny, grant or modify, in whole or in part, Central Hudson's rehearing request.
*PSC-27-13-00014-P	..... exempt	Columbia Gas Transmission Corporation Cost Refund	For approval for temporary waiver of tariff provisions regarding its Columbia Gas Transmission Corporation cost refund.
*PSC-28-13-00014-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-28-13-00016-P	..... exempt	The request of NGT for lightened regulation as a gas corporation.	To consider whether to approve, reject, or modify the request of Niagara gas transport of Lockport, NY LLC.

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<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-28-13-00017-P	..... exempt	The request by TE for waiver of regulations requiring that natural gas be odorized in certain gathering line segments	Consider the request by TE for waiver of regulations that gas be odorized in certain lines
*PSC-32-13-00009-P	..... exempt	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices	To consider the definition of “misleading or deceptive conduct” in the Commission’s Uniform Business Practices
*PSC-32-13-00012-P	..... exempt	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion	To consider whether NYSEG should be required to undertake actions to protect its name and to minimize customer confusion
*PSC-33-13-00027-P	..... exempt	Waive underground facility requirements for new construction in residential subdivisions to allow for overhead electric lines.	Determine whether Chapin Lumberland, LLC subdivision will be allowed overhead electric distribution and service lines.
*PSC-33-13-00029-P	..... exempt	Deferral of incremental costs associated with the restoration of steam service following Superstorm Sandy.	To consider a petition by Con Edison to defer certain incremental steam system restoration costs relating to Superstorm Sandy.
*PSC-34-13-00004-P	..... exempt	Escrow account and surcharge to fund extraordinary repairs	To approve the establishment of an escrow account and surcharge
*PSC-42-13-00013-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-42-13-00015-P	..... exempt	Failure to Provide Escrow Information	The closure of the Escrow Account
*PSC-43-13-00015-P	..... exempt	Petition for submetering of electricity	To consider the request of 2701 Kingsbridge Terrace L.P. to submeter electricity at 2701 Kingsbridge Terrace, Bronx, N.Y.
*PSC-45-13-00021-P	..... exempt	Investigation into effect of bifurcation of gas and electric utility service on Long Island.	To consider a Petition for an investigation into effect of bifurcation of gas and electric utility service on Long Island.
*PSC-45-13-00022-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4)	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00023-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00024-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4); waiver of filing deadlines.	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-45-13-00025-P	..... exempt	Waiver of PSC regulations, 16 NYCRR section 88.4(a)(4).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting
*PSC-47-13-00009-P	..... exempt	Petition for submetering of electricity.	To consider the request of Hegeman Avenue Housing L.P. to submeter electricity at 39 Hegeman Avenue, Brooklyn, N.Y.
*PSC-47-13-00012-P	..... exempt	Conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.	Consideration of conditioning,restricting or prohibiting the purchase of services by NYSEG and RG&E from certain affiliates.
*PSC-49-13-00008-P	..... exempt	Authorization to transfer all of Crystal Water Supply Company, Inc. stocks to Essel Infra West Inc.	To allow Crystal Water Supply Company, Inc to transfer all of its issued and outstanding stocks to Essel Infra West Inc.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-13-00009-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00010-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-51-13-00011-P	..... exempt	Consolidated Edison proposing to use data from a test period ending September 30, 2013 to support its next rate filing.	To ensure there is a reasonable basis for data submitted in support of a request for a change in rates.
*PSC-52-13-00012-P	..... exempt	The development of reliability contingency plan(s) to address the potential retirement of Indian Point Energy Center (IPEC).	To address the petition for rehearing and reconsideration/motion for clarification of the IPEC reliability contingency plan(s).
*PSC-52-13-00015-P	..... exempt	To enter into a loan agreement with the banks for up to an amount of \$94,000.	To consider allowing Knolls Water Company to enter into a long-term loan agreement.
*PSC-05-14-00010-P	..... exempt	The New York State Reliability Council's revisions to its rules and measurements	To adopt revisions to various rules and measurements of the New York State Reliability Council
*PSC-07-14-00008-P	..... exempt	Petition for submetering of electricity	To consider the request of Greater Centennial Homes HDFC, Inc. to submeter electricity at 102, 103 and 106 W 5th Street, et al.
*PSC-07-14-00012-P	..... exempt	Water rates and charges	Implementation of Long-Term Water Supply Surcharge to recover costs associated with the Haverstraw Water Supply Project
*PSC-08-14-00015-P	..... exempt	Verizon New York Inc.'s service quality and Customer Trouble Report Rate (CTRR) levels at certain central office entities	To improve Verizon New York Inc.'s service quality and the Customer Trouble Report Rate levels at certain central office entities
*PSC-10-14-00006-P	..... exempt	Actions to facilitate the availability of ESCO value-added offerings, ESCO eligibility and ESCO compliance	To facilitate ESCO value-added offerings and to make changes to ESCO eligibility and to ensure ESCO compliance
*PSC-11-14-00003-P	..... exempt	Provision for the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces	To consider the recovery and allocation of costs of transmission projects that reduce congestion on certain interfaces
*PSC-16-14-00014-P	..... exempt	Whether to order NYSEG to provide gas service to customers when an expanded CPCN is approved and impose PSL 25-a penalties.	To order gas service to customers in the Town of Plattsburgh after approval of a town wide CPCN and to impose penalties.
*PSC-16-14-00015-P	..... exempt	Whether Central Hudson should be permitted to defer obligations of the Order issued on October 18, 2013 in Case 13-G-0336.	Consideration of the petition by Central Hudson to defer reporting obligations of the October 18, 2013 Order in Case 13-G-0336
*PSC-17-14-00003-P	..... exempt	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2013 performance under the Electric Service Reliability Performance Mechanism
*PSC-17-14-00004-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-17-14-00007-P	..... exempt	To consider petitions for rehearing, reconsideration and/or clarification	To consider petitions for rehearing, reconsideration and/or clarification

## Action Pending Index

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Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-17-14-00008-P	..... exempt	To consider certain portions of petitions for rehearing, reconsideration and/or clarification	To consider certain portions of petitions for rehearing, reconsideration and/or clarification
*PSC-19-14-00014-P	..... exempt	Market Supply Charge	To make tariff revisions to the Market Supply Charge for capacity related costs
*PSC-19-14-00015-P	..... exempt	Whether to permit the use of the Sensus accuWAVE for use in residential and commercial gas meter applications	To permit gas utilities in New York State to use the Sensus accuWAVE 415TC gas meter
*PSC-22-14-00013-P	..... exempt	Petition to transfer and merge systems, franchises and assets.	To consider the Comcast and Time Warner Cable merger and transfer of systems, franchises and assets.
*PSC-23-14-00010-P	..... exempt	Whether to permit the use of the GE Dresser Series B3-HPC 11M-1480 rotary gas met for use in industrial gas meter applications	To permit gas utilities in New York State to use the GE Dresser Series B3-HPC 11M-1480 rotary gas meter
*PSC-23-14-00014-P	..... exempt	Waiver of the negative revenue adjustment associated with KEDLI's 2013 Customer Satisfaction Performance Metric	Consideration of KEDLI's waiver request pertaining to its 2013 performance under its Customer Satisfaction Metric
*PSC-24-14-00005-P	..... exempt	To examine LDC's performance and performance measures.	To improve gas safety performance.
*PSC-26-14-00013-P	..... exempt	Waiver of RG&E's tariffed definition of emergency generator.	To consider waiver of RG&E's tariffed definition of emergency generator.
*PSC-26-14-00020-P	..... exempt	New electric utility backup service tariffs and standards for interconnection may be adopted.	To encourage development of microgrids that enhance the efficiency, safety, reliability and resiliency of the electric grid.
*PSC-26-14-00021-P	..... exempt	Consumer protections, standards and protocols pertaining to access to customer data may be established.	To balance the need for the information necessary to support a robust market with customer privacy concerns.
*PSC-28-14-00014-P	..... exempt	Petition to transfer systems, franchises and assets.	To consider the Comcast and Charter transfer of systems, franchise and assets.
*PSC-30-14-00023-P	..... exempt	Whether to permit the use of the Sensus iPERL Fire Flow Meter.	Pursuant to 16 NYCRR Part 500.3 , it is necessary to permit the use of the Sensus iPERL Fire Flow Meter.
*PSC-30-14-00026-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of Renaissance Corporation of to master meter electricity at 100 Union Drive,Albany, NY.
*PSC-31-14-00004-P	..... exempt	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross	To transfer 100% of the issued and outstanding stock from Vincent Cross to Bonnie and Michael Cross
*PSC-32-14-00012-P	..... exempt	Whether to grant or deny, in whole or in part, the Connect New York Coalition's petition	To consider the Connect New York Coalition's petition seeking a formal investigation and hearings
*PSC-35-14-00004-P	..... exempt	Regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY	To consider regulation of a proposed electricity generation facility located in the Town of Brookhaven, NY
*PSC-35-14-00005-P	..... exempt	Whether to permit the use of the Sensus iConA electric meter	Pursuant to 16 NYCRR Parts 92 and 93, Commission approval is necessary to permit the use of the Sensus iConA electric meter

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-36-14-00009-P	..... exempt	Modification to the Commission's Electric Safety Standards.	To consider revisions to the Commission's Electric Safety Standards.
*PSC-38-14-00003-P	..... exempt	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.	Whether to approve, reject or modify, in whole or in part a time-sensitive rate pilot program.
*PSC-38-14-00004-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00005-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-38-14-00007-P	..... exempt	Whether to expand Con Edison's low income program to include Medicaid recipients.	Whether to expand Con Edison's low income program to include Medicaid recipients.
*PSC-38-14-00008-P	..... exempt	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.	The study and petition of Con Edison regarding use, accounting and ratemaking treatment for 11-23 and 2-28 Hudson Ave. Brooklyn.
*PSC-38-14-00010-P	..... exempt	Inter-carrier telephone service quality standard and metrics and administrative changes.	To review recommendations from the Carrier Working Group and incorporate appropriate modifications to the existing Guidelines.
*PSC-38-14-00012-P	..... exempt	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.	Action on the report and petition of Con Edison regarding the Storm Hardening and Resiliency Collaborative, Phase 2.
*PSC-39-14-00020-P	..... exempt	Whether to permit the use of the Mueller Systems 400 Series and 500 Series of water meters	Pursuant to 16 NYCRR section 500.3, whether to permit the use of the Mueller Systems 400, and 500 Series of water meters
*PSC-40-14-00008-P	..... exempt	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.	To consider granting authorization for Buy Energy Direct to resume marketing to residential customers.
*PSC-40-14-00009-P	..... exempt	Whether to permit the use of the Itron Open Way Centron Meter with Hardware 3.1 for AMR and AMI functionality.	Pursuant to 16 NYCRR Parts 93, is necessary to permit the use of the Itron Open Way Centron Meter with Hardware 3.1.
*PSC-40-14-00011-P	..... exempt	Late Payment Charge.	To modify Section 7.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-40-14-00013-P	..... exempt	Regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.	To consider regulation of a proposed natural gas pipeline and related facilities located in the Town of Ticonderoga, NY.
*PSC-40-14-00014-P	..... exempt	Waiver of 16 NYCRR Sections 894.1 through 894.4(b)(2)	To allow the Town of Goshen, NY, to waive certain preliminary franchising procedures to expedite the franchising process.
*PSC-40-14-00015-P	..... exempt	Late Payment Charge.	To modify Section 6.6 - Late Payment Charge to designate a specific time for when a late payment charge is due.
*PSC-42-14-00003-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries	The filings of various LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-42-14-00004-P	..... exempt	Winter Bundled Sales Service Option	To modify SC-11 to remove language relating to fixed storage charges in the determination of the Winter Bundled Sales charge
*PSC-48-14-00014-P	..... exempt	Considering the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.	To consider the recommendations contained in Staff's electric outage investigation report for MNRR, New Haven Line.
*PSC-52-14-00019-P	..... exempt	Petition for a waiver to master meter electricity.	Considering the request of 614 South Crouse Avenue, LLC to master meter electricity at 614 South Crouse Avenue, Syracuse, NY..
*PSC-01-15-00014-P	..... exempt	State Universal Service Fund Disbursements	To consider Edwards Telephone Company's request for State Universal Service Fund disbursements
*PSC-08-15-00010-P	..... exempt	Request pertaining to the lawfulness of National Grid USA continuing its summary billing program.	To grant, deny, or modify URAC Rate Consultants' request that National Grid cease its summary billing program.
*PSC-10-15-00007-P	..... exempt	Notification concerning tax refunds	To consider Verizon New York Inc.'s partial rehearing or reconsideration request regarding retention of property tax refunds
*PSC-10-15-00008-P	..... exempt	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes	Whether to waive Policy on Test Periods in Major Rate Proceedings and provide authority to file tariff changes
*PSC-13-15-00024-P	..... exempt	Whether Leatherstocking should be permitted to recover a shortfall in earnings	To decide whether to approve Leatherstocking's request to recover a shortfall in earnings
*PSC-13-15-00026-P	..... exempt	Whether to permit the use of the Sensus Smart Point Gas AMR/AMI product	To permit the use of the Sensus Smart Point Gas AMR/AMI product
*PSC-13-15-00027-P	..... exempt	Whether to permit the use of the Measurlogic DTS 310 electric submeter	To permit the use of the Measurlogic DTS 310 submeter
*PSC-13-15-00028-P	..... exempt	Whether to permit the use of the SATEC EM920 electric meter	To permit necessary to permit the use of the SATEC EM920 electric meter
*PSC-13-15-00029-P	..... exempt	Whether to permit the use the Triacta Power Technologies 6103, 6112, 6303, and 6312 electric submeters	To permit the use of the Triacta submeters
*PSC-17-15-00007-P	..... exempt	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million	To consider the petition of Leatherstocking Gas Company, LLC seeking authority to issue long-term debt of \$2.75 million
*PSC-18-15-00005-P	..... exempt	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism	Con Edison's Report on its 2014 performance under the Electric Service Reliability Performance Mechanism
*PSC-19-15-00011-P	..... exempt	Gas Safety Performance Measures and associated negative revenue adjustments	To update the performance measures applicable to KeySpan Gas East Corporation d/b/a National Grid
*PSC-22-15-00015-P	..... exempt	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)	To consider the request for waiver of the individual residential unit meter requirements and 16 NYCRR 96.1(a)

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-23-15-00005-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-23-15-00006-P	..... exempt	The modification of New York American Water's current rate plan	Whether to adopt the terms of the Joint Proposal submitted by NYAW and DPS Staff
*PSC-25-15-00008-P	..... exempt	Notice of Intent to Submeter electricity.	To consider the request of 165 E 66 Residences, LLC to submeter electricity at 165 East 66th Street, New York, New York.
*PSC-29-15-00025-P	..... exempt	Joint Petition for authority to transfer real property located at 624 West 132nd Street, New York, NY	Whether to authorize the proposed transfer of real property located at 624 West 132nd Street, New York, NY
*PSC-32-15-00006-P	..... exempt	Development of a Community Solar Demonstration Project.	To approve the development of a Community Solar Demonstration Project.
*PSC-33-15-00009-P	..... exempt	Remote net metering of a demonstration community net metering program.	To consider approval of remote net metering of a demonstration community net metering program.
*PSC-33-15-00012-P	..... exempt	Remote net metering of a Community Solar Demonstration Project.	To consider approval of remote net metering of a Community Solar Demonstration Project.
*PSC-34-15-00021-P	..... exempt	Petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs	To consider the petition by NYCOM requesting assistance with obtaining information on CLECs and ESCOs
*PSC-35-15-00014-P	..... exempt	Consideration of consequences against Light Power & Gas, LLC for violations of the UBP	To consider consequences against Light Power & Gas, LLC for violations of the UBP
*PSC-37-15-00007-P	..... exempt	Submetered electricity	To consider the request of 89 Murray Street Ass. LLC, for clarification of the submetering order issued December 20, 2007
*PSC-40-15-00014-P	..... exempt	Whether to permit the use of the Open Way 3.5 with cellular communications	To consider the use of the Open Way 3.5 electric meter, pursuant to 16 NYCRR Parts 92 and 93
*PSC-42-15-00006-P	..... exempt	Deferral of incremental expenses associated with NERC's new Bulk Electric System (BES) compliance requirements approved by FERC.	Consideration of Central Hudson's request to defer incremental expenses associated with new BES compliance requirements.
*PSC-44-15-00028-P	..... exempt	Deferral of incremental expenses associated with new compliance requirements	Consideration of Central Hudson's request to defer incremental expenses associated with new compliance requirements
*PSC-47-15-00013-P	..... exempt	Whitepaper on Implementing Lightened Ratemaking Regulation.	Consider Whitepaper on Implementing Lightened Ratemaking Regulation.
*PSC-48-15-00011-P	..... exempt	Proposal to retire Huntley Units 67 and 68 on March 1, 2016.	Consider the proposed retirement of Huntley Units 67 and 68.
*PSC-50-15-00006-P	..... exempt	The reduction of rates.	To consider the reduction of rates charged by Independent Water Works, Inc.
*PSC-50-15-00009-P	..... exempt	Notice of Intent to submeter electricity.	To consider the request to submeter electricity at 31-33 Lincoln Road and 510 Flatbush Avenue, Brooklyn, New York.
*PSC-51-15-00010-P	..... exempt	Modification of the EDP	To consider modifying the EDP

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-01-16-00005-P	..... exempt	Proposed amendment to Section 5, Attachment 1.A of the Uniform Business Practices	To consider amendment to Section 5, Attachment 1.A of the Uniform Business Practices
*PSC-04-16-00007-P	..... exempt	Whether Hamilton Municipal Utilities should be permitted to construct and operate a municipal gas distribution facility.	Consideration of the petition by Hamilton Municipal Utilities to construct and operate a municipal gas distribution facility.
*PSC-04-16-00012-P	..... exempt	Proposal to mothball three gas turbines located at the Astoria Gas Turbine Generating Station.	Consider the proposed mothball of three gas turbines located at the Astoria Gas Turbine Generating Station.
*PSC-04-16-00013-P	..... exempt	Proposal to find that three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.	Consider whether three gas turbines located at the Astoria Gas Turbine Generating Station are uneconomic.
*PSC-06-16-00013-P	..... exempt	Continued deferral of approximately \$16,000,000 in site investigation and remediation costs.	To consider the continued deferral of approximately \$16,000,000 in site investigation and remediation costs.
*PSC-06-16-00014-P	..... exempt	MEGA's proposed demonstration CCA program.	To consider MEGA's proposed demonstration CCA program.
*PSC-14-16-00008-P	..... exempt	Resetting retail markets for ESCO mass market customers.	To ensure consumer protections with respect to residential and small non-residential ESCO customers.
*PSC-18-16-00013-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00014-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00015-P	..... exempt	Petitions for rehearing of the Order Resetting Retail Energy Markets and Establishing Further Process.	To ensure consumer protections for ESCO customers.
*PSC-18-16-00016-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-18-16-00018-P	..... exempt	Amendments to the Uniform Business Practices of ESCOs.	To ensure consumer protection for ESCO customers.
*PSC-20-16-00008-P	..... exempt	Consideration of consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).	To consider consequences against Global Energy Group, LLC for violations of the Uniform Business Practices (UBP).
*PSC-20-16-00010-P	..... exempt	Deferral and recovery of incremental expense.	To consider deferring costs of conducting leak survey and repairs for subsequent recovery.
*PSC-20-16-00011-P	..... exempt	Enetics LD-1120 Non-Intrusive Load Monitoring Device in the Statewide Residential Appliance Metering Study.	To consider the use of the Enetics LD-1120 Non-Intrusive Load Monitoring Device.
*PSC-24-16-00009-P	..... exempt	Petition to submeter gas service.	To consider the Petition of New York City Economic Development Corp. to submeter gas at Pier 17, 89 South Street, New York, NY.
*PSC-25-16-00009-P	..... exempt	To delay Companies' third-party assessments of customer personally identifiable information until 2018.	To extend the time period between the Companies' third-party assessments of customer personally identifiable information.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-25-16-00025-P	..... exempt	Acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.	To consider acquisition of all water supply assets of Woodbury Heights Estates Water Co., Inc. by the Village of Kiryas Joel.
*PSC-25-16-00026-P	..... exempt	Use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter, in residential fire service applications.	To consider the use of the Badger E Series Ultrasonic Cold Water Stainless Steel Meter in fire service applications.
*PSC-28-16-00017-P	..... exempt	A petition for rehearing of the Order Adopting a Ratemaking and Utility Revenue Model Policy Framework.	To determine appropriate rules for and calculation of the distributed generation reliability credit.
*PSC-29-16-00024-P	..... exempt	Participation of NYPA customers in surcharge-funded clean energy programs.	To consider participation of NYPA customers in surcharge-funded clean energy programs.
*PSC-32-16-00012-P	..... exempt	Benefit-Cost Analysis Handbooks.	To evaluate proposed methodologies of benefit-cost evaluation.
*PSC-33-16-00001-EP	..... exempt	Use of escrow funds for repairs.	To authorize the use of escrow account funds for repairs.
*PSC-33-16-00005-P	..... exempt	Exemption from certain charges for delivery of electricity to its Niagara Falls, New York facility.	Application of System Benefits Charges, Renewable Portfolio Standard charges and Clean Energy Fund surcharges.
*PSC-35-16-00015-P	..... exempt	NYSRC's revisions to its rules and measurements	To consider revisions to various rules and measurements of the NYSRC
*PSC-36-16-00004-P	..... exempt	Recovery of costs for installation of electric service.	To consider the recovery of costs for installation of electric service.
*PSC-40-16-00025-P	..... exempt	Consequences pursuant to the Commission's Uniform Business Practices (UBP).	To consider whether to impose consequences on Smart One for its apparent non-compliance with Commission requirements.
*PSC-47-16-00009-P	..... exempt	Petition to use commercial electric meters	To consider the petition of Itron, Inc. to use the Itron CP2SO and CP2SOA in commercial electric meter applications
*PSC-47-16-00010-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00013-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00014-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-47-16-00016-P	..... exempt	Standby Service rate design	To consider the report filed and the recommendations therein
*PSC-02-17-00010-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for RG&E.
*PSC-02-17-00012-P	..... exempt	Implementation of the four EAMs.	To consider the implementation of EAMs for NYSEG.
*PSC-18-17-00024-P	..... exempt	A petition for rehearing or reconsideration of the Order Addressing Public Policy Transmission Need for AC Transmission Upgrades	To determine whether Public Policy Transmission Need/Public Policy Requirements continue to exist.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-18-17-00026-P	..... exempt	Revisions to the Dynamic Load Management surcharge.	To consider revisions to the Dynamic Load Management surcharge.
*PSC-19-17-00004-P	..... exempt	NYAW's request to defer and amortize, for future rate recognition, pension settlement payout losses incurred in 2016.	Consideration of NYAW's petition to defer and amortize, for future rate recognition, pension payout losses incurred in 2016.
*PSC-20-17-00008-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid NY regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-20-17-00010-P	..... exempt	Compressed natural gas as a motor fuel for diesel fueled vehicles.	To consider a report filed by National Grid regarding the potential for adoption of compressed natural gas as a motor fuel.
*PSC-21-17-00013-P	..... exempt	The establishment and implementation of Earnings Adjustment Mechanisms.	To consider the establishment and implementation of Earnings Adjustment Mechanisms.
*PSC-21-17-00018-P	..... exempt	Proposed agreement for the provision of water service by Saratoga Water Services, Inc.	To consider a waiver and approval of terms of a service agreement.
*PSC-22-17-00004-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives	To consider the proposed Interconnection Survey Process and Earnings Adjustment Mechanisms
*PSC-24-17-00006-P	..... exempt	Development of the Utility Energy Registry.	Improved data access.
*PSC-26-17-00005-P	..... exempt	Notice of Intent to submeter electricity.	To consider the Notice of Intent to submeter electricity at 125 Waverly Street, Yonkers, New York.
*PSC-34-17-00011-P	..... exempt	Waiver to permit Energy Cooperative of America to serve low-income customers	To consider the petition for a waiver
*PSC-37-17-00005-P	..... exempt	Financial incentives to create customer savings and develop market-enabling tools, with a focus on outcomes and incentives.	To consider the revised Interconnection Survey Process and Earnings Adjustment Mechanisms.
*PSC-39-17-00011-P	..... exempt	Whether to direct New York State Electric & Gas to complete electric facility upgrades at no charge to Hanehan.	To determine financial responsibility between NYSEG and Hanehan for the electric service upgrades to Hanehan.
*PSC-42-17-00010-P	..... exempt	Petition for rehearing of negative revenue adjustment and contents of annual Performance Report.	To consider NFGD's petition for rehearing.
*PSC-48-17-00015-P	..... exempt	Low Income customer options for affordable water bills.	To consider the Low Income Bill Discount and/or Energy Efficiency Rebate Programs.
*PSC-50-17-00017-P	..... exempt	New Wave Energy Corp.'s petition for rehearing.	To consider the petition for rehearing filed by New Wave Energy Corp.
*PSC-50-17-00018-P	..... exempt	Application of the Public Service Law to DER suppliers.	To determine the appropriate regulatory framework for DER suppliers.
*PSC-50-17-00019-P	..... exempt	Transfer of utility property.	To consider the transfer of utility property.
*PSC-50-17-00021-P	..... exempt	Disposition of tax refunds and other related matters.	To consider the disposition of tax refunds and other related matters.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-51-17-00011-P	..... exempt	Petition for recovery of certain costs related to the implementation of a Non-Wires Alternative Project.	To consider Con Edison's petition for the recovery of costs for implementing the JFK Project.
*PSC-04-18-00005-P	..... exempt	Notice of intent to submeter electricity.	To consider the notice of intent of Montante/ Morgan Gates Circle LLC to submeter electricity.
*PSC-05-18-00004-P	..... exempt	Lexington Power's ZEC compliance obligation.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-06-18-00012-P	..... exempt	To consider further proposed amendments to the original criteria to grandfathering established in the Transition Plan	To modify grandfathering criteria
*PSC-06-18-00017-P	..... exempt	Merger of NYAW and Whitlock Farms Water Corp.	To consider the merger of NYAW and Whitlock Farms Water Company into a single corporate entity
*PSC-07-18-00015-P	..... exempt	The accuracy and reasonableness of National Grid's billing for certain interconnection upgrades.	To consider AEC's petition requesting resolution of their billing dispute with National Grid.
*PSC-11-18-00004-P	..... exempt	New York State Lifeline Program.	To consider TracFone's petition seeking approval to participate in Lifeline.
*PSC-13-18-00015-P	..... exempt	Eligibility of an ESCO to market to and enroll residential customers.	To consider whether Astral should be allowed to market to and enroll residential customers following a suspension.
*PSC-13-18-00023-P	..... exempt	Reconciliation of property taxes.	To consider NYAW's request to reconcile property taxes.
*PSC-14-18-00006-P	..... exempt	Petition for abandonment	To consider the abandonment of Willsboro Bay Water Company's water system
*PSC-17-18-00010-P	..... exempt	Petition for use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
*PSC-18-18-00009-P	..... exempt	Transfer of control of Keene Valley Video Inc.	To ensure performance in accordance with applicable cable laws, regulations and standards and the public interest
*PSC-23-18-00006-P	..... exempt	Whether to impose consequences on Aspurity for its non-compliance with Commission requirements.	To ensure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-24-18-00013-P	..... exempt	Implementation of program rules for Renewable Energy Standard and ZEC requirements.	To promote and maintain renewable and zero-emission electric energy resources.
*PSC-28-18-00011-P	..... exempt	Storm Hardening Collaborative Report.	To ensure safe and adequate gas service.
*PSC-29-18-00008-P	..... exempt	Participation in Targeted Accessibility Fund	To encourage enhanced services for low-income consumers
*PSC-29-18-00009-P	..... exempt	Overvaluing real property tax expense recovery in water rates	To prevent unjust and unreasonable water rates
*PSC-34-18-00015-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and energy efficiency protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-34-18-00016-P	..... exempt	Deferral of pre-staging and mobilization storm costs.	To ensure just and reasonable rates for ratepayers and utility recovery of unexpected, prudently incurred costs.
*PSC-35-18-00003-P	..... exempt	Con Edison's 2018 DSIP and BCA Handbook Update.	To continue Con Edison's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00005-P	..... exempt	NYSEG and RG&E's 2018 DSIP and BCA Handbook Update.	To continue NYSEG and RG&E's transition to modern utilities acting as Distributed System Platform Providers.
*PSC-35-18-00006-P	..... exempt	National Grid's 2018 DSIP and BCA Handbook Update.	To continue National Grid's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00008-P	..... exempt	Central Hudson's 2018 DSIP and BCA Handbook Update.	To continue Central Hudson's transition to a modern utility serving as a Distributed System Platform Provider.
*PSC-35-18-00010-P	..... exempt	O&R's 2018 DSIP and BCA Handbook Update.	To continue O&R's transition to a modern utility acting as a Distributed System Platform Provider.
*PSC-39-18-00005-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-40-18-00014-P	..... exempt	Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To review the gas utilities' reconciliation of Gas Expenses and Gas Cost Recoveries for 2018.
*PSC-42-18-00011-P	..... exempt	Voluntary residential beneficial electrification rate design.	To provide efficient rate design for beneficial technologies in New York State that is equitable for all residential customers.
*PSC-42-18-00013-P	..... exempt	Petition for clarification and rehearing of the Smart Solutions Program Order.	To address the increased demand for natural gas in the Con Edison's service territory and the limited pipeline capacity.
*PSC-44-18-00016-P	..... exempt	Petition for approval of gas metering equipment.	To ensure that customer bills are based on accurate measurements of gas usage.
*PSC-45-18-00005-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
*PSC-47-18-00008-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
*PSC-01-19-00013-P	..... exempt	Order of the Commission related to caller ID unblocking.	To require telephone companies to unblock caller ID on calls placed to the 311 municipal call center in Suffolk County.
*PSC-03-19-00002-P	..... exempt	DPS Staff White Paper for who must be trained in 16 NYCRR Part 753 requirements and how the Commission will approve trainings.	To reduce damage to underground utility facilities by requiring certain training and approving training curricula.
*PSC-04-19-00004-P	..... exempt	Con Edison's petition for the Gas Innovation Program and associated budget.	To pursue programs that continue service reliability and meet customer energy needs while aiding greenhouse gas reduction goals.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-04-19-00011-P	..... exempt	Update of revenue targets.	To ensure NYAW's rates are just and reasonable and accurately reflect the needed revenues.
*PSC-06-19-00005-P	..... exempt	Consideration of the Joint Utilities' proposed BDP Program.	To to expand opportunities for low-income households to participate in Community Distributed Generation (CDG) projects.
*PSC-07-19-00009-P	..... exempt	Whether to impose consequences on AAA for its non-compliance with Commission requirements.	To insure the provision of safe and adequate energy service at just and reasonable rates.
*PSC-07-19-00016-P	..... exempt	Participation in New York State Lifeline Program.	To encourage enhanced services for low-income customers.
*PSC-09-19-00010-P	..... exempt	Non-pipeline alternatives report recommendations.	To consider the terms and conditions applicable to gas service.
*PSC-12-19-00004-P	..... exempt	To test innovative pricing proposals on an opt-out basis.	To provide pricing structures that deliver benefits to customers and promote beneficial electrification technologies.
*PSC-13-19-00010-P	..... exempt	New Commission requirements for gas company operator qualification programs.	To make pipelines safer with improved training of workers who perform construction and repairs on natural gas facilities.
*PSC-19-19-00013-P	..... exempt	Proposed merger of three water utilities into one corporation.	To determine if the proposed merger is in the public interest.
*PSC-20-19-00008-P	..... exempt	Reporting on energy sources	To ensure accurate reporting and encourage clean energy purchases
*PSC-20-19-00010-P	..... exempt	Compensation policies for certain CHP projects	To consider appropriate rules for compensation of certain CHP resources
*PSC-31-19-00013-P	..... exempt	Implementation of Statewide Energy Benchmarking.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00015-P	..... exempt	Proposed major rate increase in KEDNY's gas delivery revenues by \$236.8 million (13.6% increase in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-31-19-00016-P	..... exempt	Proposed major rate increase in KEDLI's gas delivery revenues of approximately \$49.4 million (or 4.1% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
*PSC-32-19-00012-P	..... exempt	Standby Service Rates and Buyback Service Rates	To ensure just and reasonable rates, including compensation, for distributed energy resources
*PSC-38-19-00002-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
*PSC-39-19-00018-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-41-19-00003-P	..... exempt	A voluntary residential three-part rate that would include fixed, usage and demand charges.	To provide qualifying residential customers with an optional three-part rate.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
*PSC-44-19-00003-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00005-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00006-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00007-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-44-19-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-44-19-00009-P	..... exempt	Proposed revisions to Standby Service Rates and Buyback Service Rates.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
*PSC-46-19-00008-P	..... exempt	Wappingers Falls Hydroelectric LLC's facility located in Wappingers Falls, New York.	To promote and maintain renewable electric energy resources.
*PSC-46-19-00010-P	..... exempt	To test innovative rate designs on an opt-out basis.	To implement alternative innovative rate designs intended to assess customer behaviors in response to price signals
*PSC-50-19-00004-P	..... exempt	Petition to submeter electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
*PSC-52-19-00006-P	..... exempt	Authorization to defer pension settlement losses.	To address the ratemaking related to the pension settlement losses.
*PSC-03-20-00009-P	..... exempt	Changes to the Utility Energy Registry	To determine appropriate rules for data availability
*PSC-04-20-00014-P	..... exempt	Transfer of the Indian Point site, nuclear waste, and decommissioning and site restoration funds from Entergy to Holtec.	To protect the public interest.
*PSC-07-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
*PSC-08-20-00003-P	..... exempt	PSC regulation 16 NYCRR § 86.3(a)(2) and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
*PSC-10-20-00003-P	..... exempt	The Commission's statewide low-income discount policy.	To consider modifications to certain conditions regarding utility low-income discount programs.
PSC-12-20-00008-P	..... exempt	Delivery rates of Corning Natural Gas Corporation.	Whether to postpone the implementation of a change in rates that would otherwise become effective on June 1, 2020.
PSC-15-20-00011-P	..... exempt	To modify the terms and conditions under which gas utilities provide service to electric generators.	To provide clarity and uniformity to the provision of gas service to electric generators.
PSC-15-20-00013-P	..... exempt	Ownership of New York American Water Company, Inc.	To consider whether a proposed transfer of ownership of New York American Water Company, Inc. is in the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-16-20-00004-P	..... exempt	Disposition of a state sales tax refund.	To determine how much of a state sales tax refund should be retained by Central Hudson.
PSC-18-20-00012-P	..... exempt	The purchase price of electric energy and capacity from customers with qualifying on-site generation facilities.	To revise the price to be paid by the Company under Service Classification No. 10. for qualifying purchases of unforced capacity
PSC-18-20-00015-P	..... exempt	Participation of Eligible Telecommunications Carriers (ETCs) in New York State Lifeline Program.	Commission will consider each petition filed by an ETCs seeking approval to participate in the NYS Lifeline program.
PSC-19-20-00004-P	..... exempt	Clarification of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether energy service companies should be permitted to bank RECs to satisfy their renewable energy requirements.
PSC-19-20-00005-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To provide cost recovery for new DLM programs and prevent double compensation to participating customers.
PSC-19-20-00009-P	..... exempt	Cost recovery associated with Day-Ahead-DLM and Auto-DLM programs, and elimination of double compensation.	To consider revisions to P.S.C. No. 10 - Electricity, and P.S.C. No. 12 - Electricity.
PSC-21-20-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-23-20-00008-P	..... exempt	Disposition of sales tax refund and other related matters.	To consider the appropriate allocation of the sales tax refund proceeds while balancing ratepayer and shareholder interests.
PSC-25-20-00009-P	..... exempt	Petition for the use of electric metering equipment.	To ensure that consumer bills are based on accurate measurements of electric usage.
PSC-25-20-00010-P	..... exempt	Whitepaper regarding energy service company financial assurance requirements.	To consider the form and amount of financial assurances to be included in the eligibility criteria for energy service companies.
PSC-25-20-00011-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-25-20-00012-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-25-20-00015-P	..... exempt	Staff whitepaper on a Data Access Framework.	To standardize the necessary privacy and cybersecurity requirements for access to energy-related data.
PSC-25-20-00016-P	..... exempt	Modifications to the Low-Income Affordability program.	To address the economic impacts of the COVID-19 pandemic.
PSC-27-20-00003-P	..... exempt	To make the uniform statewide customer satisfaction survey permanent.	To encourage consumer protections and safe and adequate service.
PSC-28-20-00022-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-28-20-00034-P	..... exempt	Petition to implement Section 7(5) of the Accelerated Renewable Energy Growth and Community Benefit Act	To develop the bulk transmission investments necessary to achieve the Climate Leadership and Community Protection Act goals

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-29-20-00011-P	..... exempt	Petition for waiver of the requirements of Opinion No. 76-17 and 16 NYCRR Part 96 regarding individual metering of living units.	To consider the petition of Opportunities for Broome, Inc for waiver of Opinion No. 76-17 and 16 NYCRR Part 96.
PSC-31-20-00004-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00008-P	..... exempt	Submetering of electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-31-20-00010-P	..... exempt	Submetering of electricity and waiver of energy audit.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00004-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-34-20-00005-P	..... exempt	Petition to provide a renewable, carbon-free energy option to residential and small commercial full-service customers.	To increase customer access to renewable energy in the Consolidated Edison Company of New York, Inc. service territory.
PSC-37-20-00006-P	..... exempt	Con Edison's petition for a proposed Non-Pipeline Solutions portfolio and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-38-20-00004-P	..... exempt	The annual Reconciliation of Gas Expenses and Gas Cost Recoveries.	To consider filings of LDCs and municipalities regarding their Annual Reconciliation of Gas Expenses and Gas Cost Recoveries.
PSC-39-20-00015-P	..... exempt	Compensation of distributed energy resources.	To ensure just and reasonable rates, including compensation, for distributed energy resources.
PSC-39-20-00021-P	..... exempt	Authority to issue to long-term debt.	To consider Corning's request for authority to issue long-term debt.
PSC-40-20-00003-P	..... exempt	NYSEG's petition for a proposed Non-Pipeline Alternatives portfolio of projects and associated budget.	To provide for continued service reliability and to meet customer energy needs while addressing greenhouse gas reduction goals.
PSC-40-20-00004-P	..... exempt	Minor rate filing.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-40-20-00006-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-41-20-00010-P	..... exempt	Disposition of a \$50 million municipal tax refund	To consider a disposition of a municipal tax refund for customer and company benefit
PSC-41-20-00011-P	..... exempt	Major gas rate filing.	To consider a proposed increase in Corning's gas delivery revenues of approximately \$6.3 million (23.4% in total revenues).
PSC-42-20-00006-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$41.8 million (or 9.8% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-42-20-00007-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-42-20-00008-P	..... exempt	Availability of gas leak information to the public safety officials.	Facilitate availability of gas leak information to public safety officials by gas corporations.
PSC-42-20-00009-P	..... exempt	Proposed major rate increase in National Grid's delivery revenues of approximately \$100.4 million (or 3.2% in total revenues).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-43-20-00003-P	..... exempt	The use of \$50 million to support residential and commercial customers experiencing financial hardship	To consider whether the proposed support of ratepayers is in the public interest
PSC-44-20-00006-P	..... exempt	Transfer of property interests in the Union Falls Hydroelectric Facility.	To determine whether to authorize the transfer of the Union Falls Hydroelectric Facility and the proper accounting treatment.
PSC-44-20-00007-P	..... exempt	Establishment of the regulatory regime applicable to an approximately 90.5 MW electric generating facility.	Consideration of a lightened regulatory regime for an approximately 90.5 MW electric generating facility.
PSC-44-20-00009-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-45-20-00003-P	..... exempt	Petition to submeter electricity	To ensure adequate submetering equipment and consumer protections are in place
PSC-45-20-00004-P	..... exempt	Major gas rate filing	To consider an increase in Central Hudson's gas delivery revenues
PSC-45-20-00005-P	..... exempt	Major electric rate filing	To consider an increase in Central Hudson's electric delivery revenues
PSC-45-20-00006-P	..... exempt	Petition to submeter electricity and waiver request	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place
PSC-46-20-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-46-20-00005-P	..... exempt	The recommendations of the DPS Staff report to improve Hudson Valley Water's service.	To determine if approving the DPS Staff's recommendations is in the public interest.
PSC-46-20-00006-P	..... exempt	Amendments to the SIR.	To more effectively interconnect distributed generation and energy storage Systems 5 MW or less to the distribution system.
PSC-46-20-00007-P	..... exempt	Compliance of New York Transco LLC with the applicable portions of the Electric Safety Standards.	To consider the petition of New York Transco LLC for clarification of its responsibilities under the Electric Safety Standards.
PSC-46-20-00009-P	..... exempt	Proposed Public Policy Transmission Needs/ Public Policy Requirements, as defined under the NYISO tariff.	To identify any proposed Public Policy Transmission Needs/Public Policy Requirements for referral to the NYISO.
PSC-47-20-00006-P	..... exempt	Notice of intent to submeter electricity and request for waiver of 16 NYCRR § 96.5(k)(3).	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-47-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-47-20-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00004-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-48-20-00005-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether Chief Energy Power, LLC should be permitted to offer green gas products to mass market customers.
PSC-48-20-00007-P	..... exempt	Tariff modifications to change National Fuel Gas Distribution Corporation's Monthly Gas Supply Charge provisions.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-48-20-00008-P	..... exempt	Proposed modifications to Rider T - Commercial Demand Response Program.	To consider revisions to Rider T - CDRP for the 2021 Capability Period.
PSC-48-20-00009-P	..... 12/02/21	Siting of major transmission facilities in new or existing rights of way that qualify for expedited process.	To establish expedited requirements for the siting, construction and operation of major transmission facilities.
PSC-49-20-00007-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-49-20-00008-P	..... exempt	Amendments to modify provisions related to Emergency Electric Generators under General Information Section III (H).	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-49-20-00010-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-50-20-00004-P	..... exempt	Proposed transfer of the Company's assets to the Purchasers.	To determine if transfer of the water system to the Purchasers is in the public interest.
PSC-51-20-00006-P	..... exempt	Notice of intent to submeter electricity and waiver of energy audit requirement.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00007-P	..... exempt	Whitepaper on the ACOS method used by utilities in developing Standby and Buyback Service rates.	To standardize the utility ACOS methods and resulting rates, and to enable stand-alone energy storage systems.
PSC-51-20-00009-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its "Energy Savings Program" to mass market customers.
PSC-51-20-00010-P	..... exempt	Petition to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00011-P	..... exempt	Lease of right-of-way and transfer of facilities.	To determine whether to authorize lease of right-of-way, and transfer of facilities and the proper accounting treatment.
PSC-51-20-00012-P	..... exempt	Notice of intent to submeter electricity and request for waiver.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-51-20-00013-P	..... exempt	Competitive solicitations to procure 350mw of energy storage systems directed by the Commission's 2018 Energy Storage Order.	To ensure compliance with Public Service Law Section 74 and achieve state goals to install energy storage systems.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-51-20-00014-P	..... exempt	Electric system needs and compensation for distributed energy resources.	To ensure safe and adequate service and just and reasonable rates, including compensation, for distributed energy resources.
PSC-52-20-00002-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00003-P	..... exempt	Notice of intent to submeter electricity and waiver request.	To ensure adequate submetering equipment, consumer protections and energy efficiency protections are in place.
PSC-52-20-00004-P	..... exempt	Use of pipeline refund.	To consider how a pipeline refund of \$2.26 million will be utilized by National Fuel.
PSC-52-20-00005-P	..... exempt	Clarification or reconsideration of a provision in a prior order.	To determine whether to clarify or reconsider a provision of a prior order regarding the implementation of Green Button Connect.
PSC-52-20-00006-P	..... exempt	Banked credit distribution rules and processes.	To ensure just and consistent banked credit distribution rules and processes.
PSC-52-20-00007-P	..... exempt	Negative performance factor adjustments applied to auto-dynamic load management and term-dynamic load management participants.	To improve multi-year and auto-DLM programs that will improve demand response program offerings.
PSC-52-20-00008-P	..... exempt	Transfer of a natural gas pipeline and the associated certificate, and application of lightened and incidental regulation.	To determine whether the requested transfers and regulatory treatment are consistent with the law and the public interest.
PSC-52-20-00009-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-52-20-00010-P	..... exempt	Proposed filing regarding capacity surcharge for ESCO transportation customers.	To ensure safe and reliable service for customer at just and reasonable rates.
PSC-52-20-00011-P	..... exempt	Petition for the use of gas metering equipment.	To ensure that consumer bills are based on accurate measurements of gas usage.
PSC-52-20-00012-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00013-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-52-20-00014-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00015-P	..... exempt	The upgrading of cellular antennas on an electric transmission tower.	To determine whether the upgrading of cellular antennas on an electric transmission tower is in the public interest.
PSC-52-20-00016-P	..... exempt	Waiver of 16 NYCRR Sections 86.3(a)(1), 86.3(a)(2), and 86.3(b)(2).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-52-20-00017-P	..... exempt	Enwave Syracuse LLC and Syracuse Energy Concessionaire LLC's proposed financing.	To review the proposed financing and consider whether it is within the public interest.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-01-21-00004-P	..... exempt	Partial waiver of the Order Adopting Changes to the Retail Access Energy Market and Establishing Further Process.	To consider whether petitioner should be permitted to offer its Home Warranty product to mass market customers.
PSC-01-21-00005-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-01-21-00006-P	..... exempt	A debt financing arrangement with respect to an electric transmission line under development.	To review the proposed financing and consider whether it is within the public interest.
PSC-01-21-00007-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-01-21-00008-P	..... exempt	The revision of certain delivery rates for electric service.	To ensure safe and reliable service for customers at just and reasonable rates.
PSC-02-21-00006-P	..... exempt	Disposition of a sales tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-03-21-00002-EP	..... exempt	Postponement of delivery rate, System Improvement Charge (SIC) and RAC/PTR surcharge with make whole starting on May 1, 2021.	To assist customers in a time of hardship by delaying a rate increase and SIC increase and RAC/PTR surcharge implementation.
PSC-03-21-00006-P	..... exempt	Comprehensive study to identify distribution and transmission investments in accordance with the AREGCB Act.	To support distribution and local transmission investments necessary to achieve the State's climate goals.
PSC-03-21-00007-P	..... exempt	Waiver of certain rules, i.e., 7-day installation requirements pertaining to cable television franchise.	To determine whether to waive any rules and regulations.
PSC-03-21-00008-P	..... exempt	Authorization to recover costs for three transmission projects and related mechanisms.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-03-21-00009-P	..... exempt	The waiver of regulation and tariff provisions to allow for more time to recover the deposit for electric infrastructure.	Whether the extension of the deadline is in the public interest.
PSC-04-21-00011-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00012-P	..... exempt	Proposed tariff revisions and clarifications for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00013-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00014-P	..... exempt	Proposed DLM Program and tariff revisions for the summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.
PSC-04-21-00015-P	..... exempt	Proposed tariff revisions for the DLM Program summer 2021 capability period.	More efficient demand response programs to gain operational efficiency and shave peak demand.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-04-21-00016-P	..... exempt	Request for a waiver.	To consider whether good cause exists to support a waiver of the Commission's Test Period Policy Statement.
PSC-04-21-00017-P	..... exempt	Funding and management of the the Clean Energy Fund portfolio.	To review NYSEERDA's proposed modifications to the Clean Energy Fund portfolio and determine whether the changes are acceptable.
PSC-04-21-00018-P	..... exempt	Minor electric rate filing to increase annual electric revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-04-21-00019-P	..... exempt	Consideration of National Grid USA's New York electric and gas utilities' Implementation Plan and audit recommendations.	To ensure that recommendations issued in a comprehensive management audit are appropriately addressed and implemented.
PSC-04-21-00020-P	..... exempt	NFG's Implementation Plan and audit recommendations.	To consider to implement the management audit recommendations.
PSC-05-21-00004-P	..... exempt	Alternative proposal for net crediting billing.	To facilitate development of and participation in Community Distributed Generation projects.
PSC-05-21-00005-P	..... exempt	The applicable regulatory regime under the Public Service Law for the owner of a merchant electric generating facility.	Consideration of a lightened regulatory regime for the owner of an approximately 100 MW electric generating facility.
PSC-05-21-00006-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00007-P	..... exempt	Petition to amend bill estimation procedures.	To consider the petition of Central Hudson Gas & Electric Corporation to amend its current bill estimation procedures.
PSC-05-21-00008-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-05-21-00009-P	..... exempt	Proposed rate increase in annual revenues.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-05-21-00012-P	..... exempt	The electric utilities' 2021 Electric Emergency Response Plans.	To consider the adequacy of the proposed 2021 Electric Emergency Response Plans.
PSC-06-21-00008-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-06-21-00009-P	..... exempt	Disposition of a property tax refund received by New York American Water, Inc.	To determine the disposition of tax refunds and other related matters.
PSC-06-21-00010-P	..... exempt	Exemptions from utility standby rates for distributed energy resources and efficient combined heat and power projects.	To determine whether utility standby rate exemptions should be continued.
PSC-06-21-00011-P	..... exempt	Petition to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-07-21-00005-P	..... exempt	Staff Whitepaper recommending modifications to the utility's energy affordability program.	To consider updates and enhancements to the utility's low-income energy affordability program.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-07-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-07-21-00007-P	..... exempt	Conditioned pre-approval of stock transactions of regulated entities.	To consider allowing stock transactions within statutory parameters without Commission approval for individual transactions.
PSC-07-21-00008-P	..... exempt	Waiver of certain Commission requirements related to the distribution of telephone directories.	To reduce unnecessary waste and disposal of hard copy directories.
PSC-07-21-00009-P	..... exempt	PSC regulations 16 NYCRR 86.3(a)(1); 86.3(a)(2); 86.4(b).	To consider a waiver of certain regulations relating to the content of an application for transmission line siting.
PSC-07-21-00010-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-07-21-00011-P	..... exempt	Transfer of street lighting facilities	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction
PSC-08-21-00003-P	..... exempt	Utility-owned ESR participation in the New York Independent System Operator, Inc. (NYISO) administered wholesale markets.	To consider if National Grid should use a ESR in NYISO markets, and whether any conditions are appropriate for such use.
PSC-08-21-00004-P	..... exempt	Proposed transfer of water supply assets.	To determine if transfer of all water supply assets is in the public interest.
PSC-08-21-00005-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-08-21-00006-P	..... exempt	Transfer of street lighting facilities.	To determine whether to transfer street lighting facilities and the proper accounting for the transaction.
PSC-09-21-00002-P	..... exempt	Gas moratorium procedures	To consider procedures and criteria to minimize customer hardships in the unlikely event of a future gas moratorium
PSC-09-21-00003-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00004-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-09-21-00005-P	..... exempt	Utility capital expenditure proposal.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.
PSC-09-21-00006-P	..... exempt	Long-term gas system planning.	To consider a process to review gas distribution utilities' long-term system planning.
PSC-09-21-00007-P	..... exempt	Proposed filing to modify language to reflect upgrades being made to its Legacy Customer Information System.	To ensure safe and adequate service at just and reasonable rates charged to customers without undue preferences.

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>PUBLIC SERVICE COMMISSION</b>			
PSC-09-21-00008-P	..... exempt	Changes to PSL Section 66-p relating to billing information for residential rental premises.	To establish provisions as necessary to effectuate PSL Section 66-p.
PSC-10-21-00007-P	..... exempt	Transfer of street lighting facilities.	To determine whether to authorize the transfer street of lighting facilities and the proper accounting for the transaction.
PSC-10-21-00008-P	..... exempt	Waiver of tariff rules and a related Commission regulation.	To consider whether a waiver of tariff rules and a Commission regulation are just and reasonable and in the public interest.
PSC-10-21-00009-P	..... exempt	Gas Demand Response Pilot Program.	To provide promote natural gas system reliability by encouraging reductions of natural gas demand during peak gas demand days.
PSC-11-21-00003-P	..... exempt	NYSEG and RG&E's petition for a waiver of its customer service quality performance.	To determine if NYSEG and RG&E's petition for waiver is in the public interest.
PSC-11-21-00004-P	..... exempt	Pre-authorization to transfer certain cybersecurity related equipment to other utilities participating in the CMA program.	To enhance the reliability of the energy system by enabling transfers of certain equipment to other participating utilities.
PSC-11-21-00005-P	..... exempt	Peitition concerning tariff amendments regarding billing of transformer losses.	To ensure that the National Grid tariff contains appropriate provisions for the billing of transformer losses.
PSC-12-21-00008-P	..... exempt	Notice of intent to submeter electricity.	To ensure adequate submetering equipment and consumer protections are in place.
PSC-12-21-00009-P	..... exempt	Transfer of ownership interests and facilities associated with three nuclear generating units, funds, and storage facilities.	To ensure appropriate regulatory review, oversight, and action concerning the proposed transfer to serve the public interest.
<b>STATE, DEPARTMENT OF</b>			
DOS-48-20-00010-P	..... 12/02/21	Procedures and requirements related to the filing of certificates by the Department of State's Division of Corporations	To clarify and update procedures related to the filing of certificates with the Division of Corporations
DOS-05-21-00013-P	..... 02/03/22	Requirements and procedures related to filing, review and publication of financial reports filed with the Department of State	To provide procedures related to the filing, review and publication of financial reports filed with the Department of State
DOS-12-21-00010-P	..... 05/27/22	New York State Uniform Fire Prevention and Building Code (the Uniform Code)	To amend the existing Uniform Code to add specific provisions applicable to rail stations.
<b>STATE UNIVERSITY OF NEW YORK</b>			
*SUN-53-19-00005-P	..... 04/29/21	Proposed amendments to the traffic and parking regulations at State University Agricultural and Technical College at Morrisville	Amend existing regulations to update traffic and parking regulations
SUN-29-20-00004-EP	..... 07/22/21	State basic financial assistance for the operating expenses of community colleges under the program of SUNY and CUNY	To modify limitations formula for basic State financial assistance and remove an operating support "floor"
SUN-29-20-00005-EP	..... 07/22/21	Student Assembly Elections, Student Assembly Officers, Campus Government Elections, Student Activity Fees	To postpone voting on student activity fees and elections of Student Assembly representatives and officers until Fall 2020

**Action Pending Index****NYS Register/March 24, 2021**

Agency I.D. No.	Expires	Subject Matter	Purpose of Action
<b>STATE UNIVERSITY OF NEW YORK</b>			
SUN-05-21-00010-P	02/03/22	Proposed amendments to the traffic and parking regulations at State University of New York at Potsdam	Amend existing regulations to update traffic and parking regulations
SUN-11-21-00006-EP	03/17/22	Gender Neutral Bathrooms	To conform with legislation requiring SUNY state-operated campuses to designate all single occupancy bathrooms as gender neutral
<b>STATEN ISLAND RAPID TRANSIT OPERATING AUTHORITY</b>			
SIR-39-20-00008-EP	09/30/21	Requiring mask wearing covering the nose and mouth when using terminals, stations and trains operated by SIRTOA.	To safeguard the public health and safety by amending rules to require the use of masks when using terminals and stations.
<b>TAXATION AND FINANCE, DEPARTMENT OF</b>			
TAF-46-20-00003-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-07-21-00001-EP	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period January 1, 2021 through March 31, 2021
TAF-07-21-00002-P	exempt	Fuel use tax on motor fuel and diesel motor fuel and the art. 13-A carrier tax jointly administered therewith	To set the sales tax component and the composite rate per gallon for the period April 1, 2021 through June 30, 2021
<b>TEMPORARY AND DISABILITY ASSISTANCE, OFFICE OF</b>			
TDA-46-20-00002-P	11/18/21	Payment access cards	To update State regulations pertaining to payment access cards to align with Part V of Chapter 56 of the Laws of 2020
<b>WORKERS' COMPENSATION BOARD</b>			
WCB-23-20-00004-P	06/10/21	EDI system updates	To require carriers to report certain credits taken for payments to claimants; biannual reports; EDI 3.1 updates
WCB-28-20-00003-EP	07/15/21	Adding COVID-19 diagnosis by a health care provider as a serious health condition for purposes of Paid Family Leave	To clarify that employees may take PFL to care for a family member with COVID-19
WCB-42-20-00004-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-42-20-00005-P	10/21/21	Medical Treatment Guidelines	To add PTSD and acute stress disorder, and major depressive disorder MTGs
WCB-48-20-00002-EP	12/02/21	Reimbursement for COVID-19 testing	To allow reimbursement for COVID-19 testing when benefits are sought due to workplace exposure to COVID-19
WCB-06-21-00013-P	02/10/22	Medical Treatment Guidelines	To update back, neck, shoulder, knee, and NAP MTGs
WCB-10-21-00006-P	03/10/22	Direct Deposit of compensation payments	To implement the statute requiring direct deposit be available for certain compensation payments

# SECURITIES OFFERINGS

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## STATE NOTICES

Published pursuant to provisions of General Business Law  
[Art. 23-A, § 359-e(2)]

## DEALERS; BROKERS

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### 1200RD LLC

164 Market St., Suite 202, Charleston, SC 29401  
*State or country in which incorporated* — North Carolina

### City Finance Company II LLC

1995 Broadway, 10th Fl., New York, NY 10023  
*Partnership* — Prana Real Estate Finance LLC

### Dalmore Group LLC, The

525 Green Place, 632A, Woodmere, NY 11598  
*State or country in which incorporated* — New York

### Hanover Bancorp, Inc.

80 E. Jericho Tpke., Mineola, NY 11501  
*State or country in which incorporated* — New York

### IKH Topco Limited

41-44 Great Windmill St., London, United Kingdom, W1D 7NB  
*State or country in which incorporated* — England

### Inland Securities Corporation

2901 Butterfield Rd., Oak Brook, IL 60523  
*State or country in which incorporated* — Delaware

### Jadu AR Inc.

4400 Woodleigh Lane, La Canada Flintridge, CA 91011  
*State or country in which incorporated* — Delaware

### Lakeside I LLC

3001 W. Hallandale Beach Blvd., Suite 300, Pembroke Park, FL 33009  
*State or country in which incorporated* — Florida

### LaSalle Investment Management Distributors, LLC

333 W. Wacker Dr., Suite 2300, Chicago, IL 60606  
*State or country in which incorporated* — Delaware

### Lek Securities Headquarters

One Liberty Plaza, 52nd Fl., New York, NY 10006  
*State or country in which incorporated* — New York

### Mythic Collection, LLC

1050 SW 6th Ave., #1100, Portland, OR 97204  
*State or country in which incorporated* — Delaware

### Neiman Funds Trust

663 I Main St., Williamsville, NY 14221  
*State or country in which incorporated* — New York

### Net Lease - Holdco, LLC

130 W 42nd St., 22nd Fl., New York, NY 10036  
*State or country in which incorporated* — Delaware limited liability company

### Paramount Realty Shopping Center Fund IV LP

1195 Route 70, Suite 2000, Lakewood, NJ 08701  
*Partnership* — Paramount Realty GP IV LLC

### PERI-Lakeway I, LLC

181 S. Main St., Suite. 100, Prosper, TX 75078  
*Partnership* — PERI Capital Group, LLC

### SEI Investments Distribution Co.

280 Park Ave., 32nd Fl., New York, NY 10017  
*State or country in which incorporated* — Delaware

### Ternplum Markets LLC

401 W. 14th St., 4th Fl., New York, NY 10014

### Weg Tribeca LLC

350 Canal St., Suite 2A, New York, NY 10013  
*State or country in which incorporated* — Delaware limited liability company



# ADVERTISEMENTS FOR BIDDERS/CONTRACTORS

## SEALED BIDS

### REHABILITATE NORTH SIDE ELEVATORS Central New York Psychiatric Center Marcy, Oneida County

Sealed bids for Project Nos. 45245-C and 45245-E comprising separate contracts for Construction Work and Electrical Work, Rehabilitate North Side Elevators 1st Floor, Central New York Psychiatric Center, 1st Floor, 9005 Old River Road, Marcy (Oneida County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, March 31st, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$40,900 for C, and \$6,000 for E).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C, and between \$50,000 and \$100,000 for E.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 731 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any

State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises ("MWBEs") and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 10% for MWBE participation, 5% for Minority-Owned Business Enterprises ("MBE") participation and 5% for Women-Owned Business Enterprises ("WBE") participation (based on the current availability of qualified MBEs and WBEs) for Construction Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REPAIR  
CONDUITS**  
Region 7 Various Locations  
Lisle, Broom County

Sealed bids for Project No 45920-C, comprising a contract for Construction Work, Repair of Conduits, EJV, Whitney Point, Lisle,

Repair of Conduits, EJV, Whitney Point, Lisle, Broom County, Various Locations, Region 7 (Broom County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Environmental Conservation- Water Resources, until 2:00 p.m. on Wednesday, March 31st, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$61,300 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$1,000,000 and \$2,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 387 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD's on-line through a secure web interface available 24 hours a day, 7 days a week.

Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REPLACE**  
**BUILDING INSULATION IN TRUCK GARAGE**  
Department of Transportation Region 9  
Oneonta, Otsego County

Sealed bids for Project Nos. 45933-C, 45933-E and 45933-P, comprising separate contracts for Construction Work, Electrical Work, and HVAC Work, Replace Building Insulation in Truck Garage, DOT Region 9, Otsego County, Lower Oneida Street, Oneonta (Otsego County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Department of Transportation, until 2:00 p.m. on Wednesday, March 31st, when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,600 for C, \$2,400 for E, and \$14,500 for P).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$250,000 and \$500,000 for C, between \$25,000 and \$50,000 for E, and between \$100,000 and \$250,000 for P.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller ("Restricted Period") to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for in-

flation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X  Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 195 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Construction Work and an overall goal of 2% for MWBE participation, 1% for Minority-Owned Business Enterprises (“MBE”) participation and 1% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs) for Plumbing Work. The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://ogs.ny.gov/design-construction/construction-contractors>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REPLACE  
WINDOWS**

Finger Lakes Residential Center  
Lansing, Tompkins County

Sealed bids for Project No. 46006-C, comprising a contract for Construction Work, Replace Windows, Finger Lakes Residential

Center, 250 Auburn Road, Lansing (Tompkins County), NY will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Children and Family Services, until 2:00 p.m. on Wednesday, March 31st, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$76,000 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$2,000,000 and \$3,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax (518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

X  Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

As a condition of award, within 48 hours of receipt of the proposed Contract Agreement from the State, the apparent low bidder shall return the Contract Agreement to the State, properly executed, along with the Bonds if required by said Agreement. Low bidders who cannot meet these provisions may be subject to disqualification and forfeiture of the bid security.

The State intends to expedite award of this Contract and the Contractor shall be prepared to proceed with the Work accordingly. Bidders are warned that time is of the essence of the Contract and substantial completion of the Work must be within 919 days after the Agreement is approved by the Comptroller. Due to the tightness of the construction schedule, bidders should consider the necessity for an increased work force and shift operations.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to

promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

**REPAVE  
ROADWAY**  
Capital District Psychiatric Center  
Albany, Albany County

Sealed bids for Project No. 47044-C, comprising a contract for Construction Work, Repave Roadway, Building 1, Capital District Psychiatric Center, 75 New Scotland Avenue, Albany (Albany County), NY, will be received by the Office of General Services (OGS), Design & Construction Group (D&C), Division of Contract Management, 35th Fl., Corning Tower, Empire State Plaza, Albany, NY 12242, on behalf of the Office of Mental Health, until 2:00 p.m. on Wednesday, March 31st, 2021 when they will be publicly opened and read. Each bid must be prepared and submitted in accordance with the Instructions to Bidders and must be accompanied by a bid security (i.e. certified check, bank check, or bid bond in the amount of \$23,000 for C).

All successful bidders will be required to furnish a Performance Bond and a Labor and Material Bond pursuant to Sections 136 and 137 of the State Finance Law, each for 100% of the amount of the Contract estimated to be between \$500,000 and \$1,000,000 for C.

Pursuant to State Finance Law §§ 139-j and 139-k, this solicitation includes and imposes certain restrictions on communications between OGS D&C and a bidder during the procurement process. A bidder is restricted from making contacts from the earliest posting, on the OGS website, in a newspaper of general circulation, or in the Contract Reporter of written notice, advertisement or solicitation of offers through final award and approval of the contract by OGS D&C and the Office of the State Comptroller (“Restricted Period”) to other than designated staff unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law § 139-j(3)(a). Designated staff are John Pupons, Jessica Hoffman and Pierre Alric in the Division of Contract Management, telephone (518) 474-0203, fax

(518) 473-7862 and John Lewyckyj, Deputy Director, Design & Construction Group, telephone (518) 474-0201, fax (518) 486-1650. OGS D&C employees are also required to obtain certain information when contacted during the restricted period and make a determination of the responsibility of the bidder pursuant to these two statutes. Certain findings of non-responsibility can result in rejection for contract award and in the event of two findings within a four-year period, the bidder is debarred from obtaining governmental Procurement Contracts. Bidders responding to this Advertisement must familiarize themselves with the State Finance Law requirements and will be expected to affirm that they understand and agree to comply on the bid form. Further information about these requirements can be found within the project manual or at: <http://www.ogs.ny.gov/aboutOGS/regulations/defaultAdvisoryCouncil.html>

The substantial completion date for this project is 156 days after the Agreement is approved by the Comptroller.

Pursuant to Public Buildings Law § 8(6), effective January 11, 2020, for any projects where the project design commenced on or after January 1, 2020 and for any contracts over \$5,000 for the work of construction, reconstruction, alteration, repair, or improvement of any State building, a responsible and reliable NYS-certified Minority or Women-Owned Business Enterprise that submits a bid within ten percent of the lowest bid will be deemed the apparent low bidder provided that the bid is \$1,400,000 or less, as adjusted annually for inflation beginning January 1, 2020. If more than one responsible and reliable MWBE firm meets these requirements, the MWBE firm with the lowest bid will be deemed the apparent low bidder.

Project commenced design before January 1, 2020. Not subject to provision.

Project commenced design on or after January 1, 2020. Subject to provision.

Pursuant to New York State Executive Law Article 15-A and the rules and regulations promulgated thereunder, OGS is required to promote opportunities for the maximum feasible participation of New York State-certified Minority- and Women-owned Business Enterprises (“MWBEs”) and the employment of minority group members and women in the performance of OGS contracts. All bidders are expected to cooperate in implementing this policy. OGS hereby establishes an overall goal of 30% for MWBE participation, 15% for Minority-Owned Business Enterprises (“MBE”) participation and 15% for Women-Owned Business Enterprises (“WBE”) participation (based on the current availability of qualified MBEs and WBEs). The total contract goal can be obtained by utilizing any combination of MBE and/or WBE participation for subcontracting and supplies acquired under this Contract.

The Office of General Services reserves the right to reject any or all bids.

The Bidding and Contract Documents for this Project are available on compact disc (CD) only, and may be obtained for an \$8.00 deposit per set, plus a \$2.00 per set shipping and handling fee. Pursuant to State Finance Law § 143(1), effective January 11, 2020, the required deposit will be waived upon request by any Minority- and Women-Owned Business Enterprise certified pursuant to Article 15-A of the Executive Law or any Service-Disabled Veteran-Owned Business Enterprise certified pursuant to Article 17-B of the Executive Law. Contractors and other interested parties can order CD’s on-line through a secure web interface available 24 hours a day, 7 days a week. Please use the following link at the OGS website for ordering and payment instructions: <https://ogs.ny.gov/design-construction/construction-contractors>

For questions about purchase of bid documents, please send an e-mail to [DCPlans@ogs.ny.gov](mailto:DCPlans@ogs.ny.gov), or call (518) 474-0203.

For additional information on this project, please use the link below and then click on the project number: <https://online.ogs.ny.gov/dnc/contractorConsultant/esb/ESBPlansAvailableIndex.asp>

By *John D. Lewyckyj, Deputy Director*  
OGS - Design & Construction Group

# MISCELLANEOUS NOTICES/HEARINGS

## Notice of Abandoned Property Received by the State Comptroller

Pursuant to provisions of the Abandoned Property Law and related laws, the Office of the State Comptroller receives unclaimed monies and other property deemed abandoned. A list of the names and last known addresses of the entitled owners of this abandoned property is maintained by the office in accordance with Section 1401 of the Abandoned Property Law. Interested parties may inquire if they appear on the Abandoned Property Listing by contacting the Office of Unclaimed Funds, Monday through Friday from 8:00 a.m. to 4:30 p.m., at:

1-800-221-9311  
or visit our web site at:  
[www.osc.state.ny.us](http://www.osc.state.ny.us)

Claims for abandoned property must be filed with the New York State Comptroller's Office of Unclaimed Funds as provided in Section 1406 of the Abandoned Property Law. For further information contact: Office of the State Comptroller, Office of Unclaimed Funds, 110 State St., Albany, NY 12236.

## PUBLIC NOTICE

Department of Agriculture And Markets

In the matter of soliciting input of representatives of the New York State food supply chain in connection with the preparation of a report, required pursuant to chapter 24 of the laws of 2021, to provide advice, guidance and recommendations to, generally, improve the state's farm and food supply.

## NOTICE OF PUBLIC COMMENT

PLEASE TAKE NOTICE, that the New York State Department of Agriculture and Markets in coordination with Empire State Development provides this notice and opportunity for comment for a 30-day period from March 24, 2021 to April 26, 2021, pursuant to Chapter 24 of the laws of 2021 (set forth as an Historical and Statutory Note to Agriculture and Markets Law section 16), which states, in relevant part, a requirement that a report be created to "provide advice, guidance, and recommendations on improving the resiliency and self-reliance of the state's farm and food supply and the related supply chain logistics to address food shortages, food waste, and the inability to get New York farm goods to markets that occurred as a result of the COVID-19 pandemic, with the goal of creating permanent solutions beyond the state of emergency to reflect the changing wholesale, retail and consumer marketplace."

PLEASE TAKE FURTHER NOTICE, that all persons who are interested in providing feedback on the above-mentioned topics are invited to submit written comments for due consideration by the Commissioner of Agriculture and Markets, the President of Empire State Development, and representatives of the entire food supply chain. Written data, views and arguments may be submitted by mail-

ing or submitted electronically on the Department's website at the following link: <https://agriculture.ny.gov/new-york-food-supply-working-group>. Questions are also accessible for print to be completed by written response and mailed to the Department at the following link: <https://agriculture.ny.gov/food-supply-chain-comments>. Written responses can be mailed to the New York State Department of Agriculture and Markets at 10B Airline Drive, Albany, NY 12235. Information regarding the comment process may be obtained upon request to Lindsey McMahon, Policy Coordinator, NYS Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 727-3003; or [lindsey.mcmahon@agriculture.ny.gov](mailto:lindsey.mcmahon@agriculture.ny.gov).

For more information about reasonable accommodations or other comment matters, please contact: Lindsey McMahon, Policy Coordinator, Department of Agriculture and Markets, 10B Airline Drive, Albany, NY 12235, (518) 727-3003, [lindsey.mcmahon@agriculture.ny.gov](mailto:lindsey.mcmahon@agriculture.ny.gov)

## PUBLIC NOTICE

Department of Civil Service

PURSUANT to the Open Meetings Law, the New York State Civil Service Commission hereby gives public notice of the following:

Please take notice that the regular monthly meeting of the State Civil Service Commission for April 2021 will be conducted on April 21 and April 22 commencing at 10:00 a.m. This meeting will be conducted at NYS Media Services Center, Suite 146, South Course, Empire State Plaza, Albany, NY with live coverage available at <https://www.cs.ny.gov/commission/>.

For further information, contact: Office of Commission Operations, Department of Civil Service, Empire State Plaza, Agency Bldg. One, Albany, NY 12239, (518) 473-6598

## PUBLIC NOTICE

Deferred Compensation Board

Pursuant to the provisions of 9 NYCRR, Section 9003.2 authorized by Section 5 of the State Finance Law, the New York State Deferred Compensation Board, beginning Wednesday, March 24, 2021, is soliciting proposals from Financial Organizations to provide custodian and trustee services for the Deferred Compensation Plan for Employees of the State of New York and Other Participating Public Jurisdictions, a plan meeting the requirements of Section 457 of the Internal Revenue Code and Section 5 of the State Finance Law, including all rules and regulations issued pursuant thereto. A copy of the request for proposals may be obtained from: Mark Kinoshita, Callan, LLC at: [kinoshita@callan.com](mailto:kinoshita@callan.com)

All proposals must be received no later than the close of business on Wednesday, April 28, 2021. This notice was prepared by Sharon Lukacs, Deputy Director, New York State Deferred Compensation Board, 1450 Western Avenue, Suite 103, Albany, NY 12203.

## PUBLIC NOTICE

Department of State  
F-2020-0812

Date of Issuance – March 24, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities

described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2020-0812 the applicant, Bonnie Castle Marina, is proposing to remove 520' of existing wood docks to be replaced with floating docks along shoreline; stabilize 520' of shoreline by installing cobble stone; and replace underground fuel tank above ground and raise up pumps. This project is located at 31 Holland Street, Village of Alexandria Bay, Jefferson County, St. Lawrence River.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0812.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area(s):

- East Bay Significant Fish and Wildlife Habitat:

[https://www.dos.ny.gov/opd/programs/consistency/Habitats/GreatLakes/East\\_Bay.pdf](https://www.dos.ny.gov/opd/programs/consistency/Habitats/GreatLakes/East_Bay.pdf)

- Town of Huron Local Waterfront Revitalization Program:

[https://docs.dos.ny.gov/opd-lwrp/LWRP/Huron\\_T/Huron%20LWRP.pdf](https://docs.dos.ny.gov/opd-lwrp/LWRP/Huron_T/Huron%20LWRP.pdf)

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 23, 2021.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2020-0948

Date of Issuance – March 24, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program. The applicant's consistency certification and accompanying public information and data are available for inspection on the New York State Department of State's website at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2020-0948.pdf>

In F-2020-0948, or the "Simonetti Property Waterfront Improvement", the applicant – Leonard J. Simonetti – proposes to construct a 25 linear foot wave screen extending from the existing wave screen and remove an existing 12 linear foot wave screen. In addition, the applicant proposes to install a new 50 linear foot wave screen starting at the location of the removed but at a different angle. There will be 32 new 12 inch diameter piles for the proposed wave screens.

The purpose of the proposed project is to provide maintenance to erosion protection structure to provide continued shoreline resiliency and reduce possible damage or property loss during future storm events. The project is located at 75 Tahlulah Lane in the Town of West Islip, Jefferson County on the Great South Bay.

Any interested parties and/or agencies desiring to express their

views concerning the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice, or, April 8, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Planning, Development and Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2021-0023

Date of Issuance – March 24, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act of 1972, as amended.

The applicant has certified that the proposed activity complies with and will be conducted in a manner consistent with the approved New York State Coastal Management Program.

In F-2021-0023, David Rice proposes to construct an 83 SF staircase to beach, a 390 sf timber patio, a 6 x 6 ft timber ramp- 36 sf timber pier foot and a 134' x 4' fixed pier and a 56 lf wave screen. Project also includes installation of an 18 by 18 ft, 4-pile lift, a 25' by 8ft floating dock with access gangway at 50 Mariners Court, Centerport, NY, 11721.

Town of Huntington, Suffolk County, Northport Bay

\* \* \*

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/F-2021-0023ConsistCert.pdf>

The proposed activity would be located within or has the potential to affect the following Special Management or Regulated Area: Northport Bay Significant Coastal Fish and Wildlife Habitat

Original copies of public information and data submitted by the applicant are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice, or April 24, 2021.

*Comments should be addressed to:* Consistency Review Unit, Department of State, Office of Planning, Development & Community Infrastructure, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-6000, Fax (518) 473-2464. Electronic submissions can be made by email at: CR@dos.ny.gov

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

## PUBLIC NOTICE

Department of State  
F-2021-0121

Date of Issuance – March 24, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The applicant has certified that the proposed activities comply with and will be conducted in a manner consistent with the federally approved New York State Coastal Management Program (NYSCMP). The applicant's consistency certification and accompanying public information and data are available for inspection at the New York State

Department of State offices located at One Commerce Plaza, 99 Washington Avenue, in Albany, New York.

In F-2021-0121, Richard Lohr of El Dorado Harbor is proposing to construct a docking facility to provide approximately ten boat slips consisting of two fixed docks and one covered tow-boat slip. The facility will consist of a 8' x 103' and 6' x 75' docks, two covered boat slips consisting of 24' x 30' metal-frame roof structure with three 4' x 30' docks and one 4' x 30' access dock. Docks to be fixed, steel frame with timber, composite, steel, or concrete deck, supported on driven steel pilings, with wood fender piles at intervals. Docks to be serviced with power, lighting and water. The project site is located on the Niagara River at 343 Main Street, Youngstown, NY 14174.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0121Lohr.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 30 days from the date of publication of this notice or April 23, 2021.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

**PUBLIC NOTICE**

Department of State  
F-2021-0144 (DA)

Date of Issuance – March 24, 2021

The New York State Department of State (DOS) is required by Federal regulations to provide timely public notice for the activities described below, which are subject to the consistency provisions of the Federal Coastal Zone Management Act (CZMA) of 1972, as amended.

The US Army Corps of Engineers has determined that the proposed activity will be undertaken in a manner consistent to the maximum extent practicable with the enforceable policies of the New York State Coastal Management Program. The applicant's consistency determination and accompanying supporting information and data are available for inspection at the New York State Department of State offices located at One Commerce Plaza, 99 Washington Avenue in Albany, New York.

In F-2021-0144 the applicant, US Army Corps of Engineers Buffalo District, is proposing to install a 400-linear foot two-layer armor stone revetment, placed on top of underlayment stone and bedding stone, with mechanically stabilized earth and vegetative plantings along the eroding bluff to protect historic and cultural resources of Old Fort Niagara National Historic Landmark. This project is located at Fort Niagara State Park, 102 Morrow Plaza, Town of Porter, Niagara County, Lake Ontario.

The applicant's consistency certification and supporting information are available for review at: <http://www.dos.ny.gov/opd/programs/pdfs/Consistency/F-2021-0144.pdf>

Any interested parties and/or agencies desiring to express their views concerning any of the above proposed activities may do so by filing their comments, in writing, no later than 4:30 p.m., 15 days from the date of publication of this notice or April 8, 2021.

*Comments should be addressed to:* Department of State, Office of Planning and Development and Community Infrastructure, Consistency Review Unit, One Commerce Plaza, Suite 1010, 99 Washington Ave., Albany, NY 12231, (518) 474-6000. Electronic submissions can be made by email at: [CR@dos.ny.gov](mailto:CR@dos.ny.gov)

This notice is promulgated in accordance with Title 15, Code of Federal Regulations, Part 930.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0110 Matter of Brookhaven Expeditors, Andrew Malguarnera, 713 Main Street, Port Jefferson, NY 11777, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 16 Burchell Street, Blue Point, Town of Brookhaven, NY 11715, County of Suffolk, State of New York.

2021-0111 Matter of Cristopher Aguirre, 158 Dovecote Lane, Central Islip, NY 11722, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 158 Dovecote Lane, Central Islip, Town of Islip, NY 11722, County of Suffolk, State of New York.

2021-0112 Matter of Colonial Property Consultants, Mario Vigliotta, P.O. Box 129, Blue Point, NY 11715, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at Seven Ocean Avenue, Mastic, Town of Brookhaven, NY 11950, County of Suffolk, State of New York.

2021-0113 Matter of Joel L. Kaye, P.O. Box 480, 585 Toppings Path, Sagaponack, NY 11962, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 585 Toppings Path, Sagaponack, Town of Southampton, NY 11962, County of Suffolk, State of New York.

2021-0116 Matter of Ralph And Sylvia Scott, 77 Northumberland Gate, Lynbrook, NY 11563, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 77 Northumberland Gate, Village Of Lynbrook, NY 11563, County of Nassau, State of New York.

2021-0117 Matter of Tekton Architecture P.C., Anastasios Tzakas, 612 Tulip Avenue, Floral Park, NY 11001, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 35 Summit Street, Hicksville, Town of Oyster Bay, NY 11801, County of Nassau, State of New York.

2021-0118 Matter of JL Drafting Inc., John Lagoudes, 707 Route 110, Farmingdale, NY 11735, for a variance concerning safety requirements, including the required height under a girder/soffit. Involved is an existing one-family dwelling located at 489 Midwood Street, Uniondale, Town of Hempstead, NY 11553, County of Nassau, State of New York.

**PUBLIC NOTICE**

Department of State  
Uniform Code Variance/Appeal Petitions

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0122 In the matter of Kevin Hickey P.E. of CHA Consultants, Three Winners Circle, Albany, NY 12205, for a variance for code is-

sues concerning the water tower replacement, for the St. Lawrence Power Project, 830 Barnhart Island Road, Town of Massena, County of St. Lawrence, State of New York.

**PUBLIC NOTICE****Department of State  
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0123 In the matter of John Walsh of Arrow Holdings LLC, 416 North Aurora Street, Ithaca, NY 14850, for a variance for diminutive code issues concerning railings and guard rails at 141 East Spencer Street, City of Ithaca, County of Tompkins, State of New York.

**PUBLIC NOTICE****Department of State  
Uniform Code Variance/Appeal Petitions**

Pursuant to 19 NYCRR Part 1205, the variance and appeal petitions below have been received by the Department of State. Unless otherwise indicated, they involve requests for relief from provisions of the New York State Uniform Fire Prevention and Building Code. Persons wishing to review any petitions, provide comments, or receive actual notices of any subsequent proceeding may contact Brian Tollisen or Neil Collier, Building Standards and Codes, Department of State, One Commerce Plaza, 99 Washington Ave., Albany, NY 12231, (518) 474-4073 to make appropriate arrangements.

2021-0124 In the matter of William Olney of Olney's Flowers of Rome N.Y. LLC, 2002 North James Street, Rome, NY 13440, for a variance for code issues concerning the Olney Garden Center, 6855 Wright Settlement Road, City of Rome, Oneida County, State of New York.

# COURT NOTICES

## AMENDMENT OF RULE

### Rules of the Chief Judge

Pursuant to Article VI, § 28(c) of the State Constitution and section 211 of the Judiciary Law, upon consultation with the Administrative Board of the Courts, and with the approval of the Court of Appeals of the State of New York, I hereby amend, effective immediately, Part 36 of the Rules of the Chief Judge, by deleting the bracketed material and adding the underlined material to section 36.1(b)(2)(iii) as follows:

Section 36.1 Application.

(b) Except for sections 36.2(c)(6) and 36.2(c)(7) of this Part, this Part shall not apply to:

(2) the appointment of, or the appointment of any persons or entities performing services for, any of the following:

(iii) a nonprofit institution performing property management or personal needs services, or acting as court evaluator[;], *attorney for an alleged incapacitated person, or guardian ad litem*;

## AMENDMENT OF RULE

### Rules of the Chief Administrative Judge of the Courts

Pursuant to the authority vested in me, with the advice and consent of the Administrative Board of the Courts, I hereby delete section 102.3 of the Rules of the Chief Administrative Judge of the Courts (22 NYCRR § 102.3), relating to reimbursement of long-term rental arrangements for judges and justices, effective February 11, 2021.

Section 102.3 [Apartment rental and long-term rental arrangements.] (*Reserved*)

[If a judge or justice rents an apartment or hotel or motel room other than at a daily rate, the Chief Administrator may permit reimbursement for lodging expenses at a rate to be determined by the Chief Administrator not to exceed the rate for lodging determined by the Chief Administrator pursuant to section 102.2(a)2 of this Part for each night when the judge or justice actually stayed overnight in the rented premises, provided that:

(a) the provisions of subdivision (c) of section 102.2 of this Part are satisfied as to each night's lodging expenses for which the judge or justice seeks reimbursement;

(b) prior approval of the rental arrangement is given by the Chief Administrator;

(c) a copy of the rental agreement is filed with the Chief Administrator;

(d) the total reimbursement of expenses for lodging in any period shall not exceed the rent for that period; and

(e) where the amount payable as reimbursement during any one month exceeds the monthly rent, the excess amount payable as reimbursement can be used as an offset against the rent for the same premises for another month within the rental period during which the amount payable as reimbursement was not sufficient to meet the monthly rent. No judge or justice will be reimbursed for other than actual and necessary expenses for lodging necessitated by the conduct of judicial business.]

## AMENDMENT OF RULE

### Uniform Rules for the Supreme and County Courts

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend,

effective immediately, Sections 202.16(k) and 202.16-b of Part 202 of the Uniform Civil Rules for the Supreme and County Courts in matrimonial contested actions, as follows:

Section 202.16 Matrimonial actions; calendar control of financial disclosure in actions and proceedings involving alimony, maintenance, child support and equitable distribution; motions for alimony, counsel fees pendente lite, and child support; special rules.

\* \* \* \*

(k) Motions for alimony, maintenance, counsel fees pendente lite and child support (other than under section 237[c] or 238 of the Domestic Relations Law).

\* \* \* \*

(3) No motion for counsel fees and expenses shall be heard unless the moving papers also include the affidavit of the movant's attorney stating the moneys, if any, received on account of such attorney's fee from the movant or any other person on behalf of the movant, the hourly amount charged by the attorney, the amounts paid, or to be paid, to counsel and any experts, and any additional costs, disbursements or expenses, and the moneys such attorney has been promised by, or the agreement made with, the movant or other persons on behalf of the movant, concerning or in payment of the fee. Fees and expenses of experts shall include appraisal, accounting, actuarial, investigative and other fees and expenses (*including costs for processing of NYSCEF documents because of the inability of a self-represented party that desires to e-file to have computer access or afford internet accessibility*) to enable a spouse to carry on or defend a matrimonial action or proceeding in the Supreme Court.

\* \* \* \*

Section 202.16-b Submission of Written Applications in Contested Matrimonial Actions.

\* \* \* \*

(2) Unless otherwise expressly provided by any provision of the CPLR or other statute, and in addition to the requirements of 22 NYCRR § 202.16 (k) where applicable, the following rules and limitations are required for the submission of papers [on pendente lite] *all applications (including postjudgment applications)* for alimony, maintenance, counsel fees, child support, exclusive occupancy, custody and visitation unless said requirements are waived by the judge for good cause shown:

## AMENDMENT OF RULE

### Rules of Practice for the Commercial Division

Pursuant to the authority vested in me, and with the advice and consent of the Administrative Board of the Courts, I hereby amend Rule 31 of the section 202.70(g) of the Uniform Rules for the Supreme and County Courts (Rules of Practice for the Commercial Division) to read as follows. This order shall take effect on March 1, 2021.

Rule 31. Pre-Trial Memoranda, [Exhibit Book] *Trial Exhibits* and Requests for Jury Instructions

(a) [Counsel] *If requested by the Court, counsel* shall submit pre-trial memoranda at [the pre-trial conference, or] such [other] time as the court may set. Counsel shall comply with CPLR 2103(e). A single memorandum of no [longer] *more than [25 pages] 7,000 words* shall be submitted by each side. No memoranda in response shall be submitted.

(b) At the pre-trial conference or at such other time as the court may set, counsel shall submit [an indexed binder or notebook] a copy of trial exhibits for *each attorney's and the court's* use. [A copy for each attorney on trial and the originals] *Unless otherwise directed* in [a similar binder or notebook for the witnesses shall be prepared and submitted. Plaintiff's] *the Court's individual part rules, plaintiff's* exhibits shall be *tabbed* numerically [tabbed], and defendant's exhibits shall be tabbed alphabetically.

(c) Where the trial is by jury, counsel shall, on the pre-trial conference date or such other time as the court may set, provide the court with case-specific requests to charge and proposed jury interrogatories. Where the requested charge is from the New York Pattern Jury Instructions--Civil, a reference to the PJI number will suffice. [Submissions should be by hard copy and disk or e-mail attachment in WordPerfect 12 format, as directed by the court.]

(d) *In cases brought before paperless commercial parts, counsel shall submit the pre-trial memoranda, copy of trial exhibits and requests to charge on a USB flash drive. In all other commercial parts, counsel shall submit the pre-trial memoranda and requests to charge in a Word document, 12-point type, and submit the copy of trial exhibits in an indexed binder or notebook.*